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THE
AMERICAN SENATOR.

OR

A COPIOUS AND IMPARTIAL REPORT

OF THE

D E B A T E S

IN THE

CONGRESS OF THE UNITED STATES:

INCLUDING

*ALL TREATIES, ADDRESSES, PROCLAMATIONS, &c.
WHICH OCCUR DURING THE PRESENT SESSION,*

BEING

THE SECOND OF THE FOURTH CONGRESS.

BY THOMAS CARPENTER.

VOL. II.

PHILADELPHIA:

PRINTED FOR THE AUTHOR.

1797.



John Burke

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HOUSE OF REPRESENTATIVES.

OF THE

UNITED STATES.

Thursday, January 12, 1797.

[CONTINUED.]

MR. SWANWICK hoped the committee would not rise, until they had determined upon a question which was of the first importance to this country ; a question which it had been well for us if it had been introduced long ago, but which, he trusted, was not now too late to be of essential service. At present, he said, produce was falling, and, of course, any tax upon the farmer would not be so well received as if their produce was upon the rise ; but, he trusted, the wealth of the country must have become so considerable, from the high price which every agricultural production had long been at, as to enable them very well to support the necessary expenses of government. These expenses, they knew, must be supplied from one of three sources ; either from loans which have heretofore been made in Europe, at great expense of agency, brokage, commission, &c. or from impost, or by internal revenue, or excise.

Into what situation, he asked, had this loan-making business brought this country ? They had created, what seemed to be wished on all hands to be avoided, a foreign influence over this country. It had made us dependent upon what it was not in our power to controul ; upon every accident which might happen at Amsterdam or Antwerp, and every part of the globe. So far as related to imposts, this source of revenue was exposed to the influence of war, and absolutely dependent upon any foreign government which might please

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to annoy us. Was this, he asked, an enviable situation? He thought not. This dependence upon foreign nations, was a great disadvantage in all negotiations. With respect to excise, he need not say how unproductive it had been. The article of snuff, instead of producing any thing, had brought the revenue in debt; and the excise on another article, had called forth the military to enforce it. For his part, he saw no way of avoiding these difficulties, but to come to that cardinal point, which they had now in view, of direct taxation. He should, therefore, be in favour of the resolution before them, because it fixed the principle.

It was necessary, Mr. S. said, to the importance and firmness of government, to determine whether the land of the country be not equal to bear its share in the expenses of government. This had hitherto been evaded; but he trusted, this mass of property would no longer escape from paying its due proportion towards the public burthens. For, when it was known in foreign countries, that all our revenue was bottomed upon our commerce, it was holding out an invitation to them to play off hostilities upon us. Great-Britain, he said, had taken the lead in annoying our trade, which had brought us to the British treaty. This had produced great disadvantage to some, though some few might have had a trifling benefit. We were now brought into another situation by that instrument; the French were now laying hold of our commerce.

It was said that Great Britain drew very little support from her land, in comparison to what she drew from her commerce; but she had a fleet to defend her commerce, and therefore, if she drew a great deal from it, she was also at some expense in supporting it. Our trade, he said, was unprotected. It was true, we obtained seven million of dollars from it, without being at any expense in return. But, he said, there was no certainty of this; it was a mere phantom, it was gone, and without some plan like the present, there would be no security for supporting the expenses of our government; nor could any negotiation ever be properly supported, until the yeomanry of our country should join in the support of our common interest. It was absolutely necessary, Mr. S. said, to decide upon one of two principles, either to support commerce by a navy and thereby secure the revenue arising from it, or else call upon agriculture to bear its full share of the public burthens. He therefore wished the principle to be settled without regard to modification, because

the more simple the light in which the object was placed the better. The modification would properly be an after business : and, when members had agreed upon the necessity of adopting the principle of a direct tax, their opposition to any particular plans which might be offered would be moderated, so that the best system which could be devised would probably be adopted.

It had been recommended by the President of the United States, in half a dozen successive communications, that the national debt should be reduced. This, he said, could not be done, without the assistance of agriculture ; for, whenever the duty on commerce was made extravagant, smuggling was introduced, and the duty, instead of being increased, was lessened. In Britain this had been notoriously the case.

They put a tax on tea, by which smuggling was brought to such an enormous height that they were, after every endeavour, obliged to abandon it.

This, Mr. S. said, was the most important question which was ever brought before that house. He trembled every day when he considered upon what a shadow the revenues of this government rested—upon what every nation seemed to rob us of : for, added he, all are agreed in one point, however they may disagree in others, viz. to rob and ill treat us. They were, indeed, invited to do this ; for, said he, we have no barriers but treaties, and they are worse than nothing.

Mr. S. said, we had no dependence upon our revenue ; at any rate it was not more than supported our present expenses. Suppose, added he, all the present nations at war, make peace, would there then be no danger of a defalcation of revenue ? There could be no doubt of it. So that whether war or peace, no certain dependence could be placed upon our revenue.

Did it not, then, become government to look to something more substantial than commerce for support ? It certainly did. Let us, said he, fix upon the principle of a direct tax, and not be deterred at the threshold of the business. To say it was impossible to fix upon such a plan so as to be generally satisfactory, would be to say we could not do what many other nations had done.

It were to make an acknowledgement in the face of the world of our own imbecility.

He would again repeat that it would have been better for this country if the present plan had been adopted sooner.—However, as we had lately declared ourselves the most prof-

perous, the most free and enlightened country in the world, this could not be an improper time for introducing it. He was rather glad, however, that a degree of necessity had brought the present measure before them. Misfortunes, he said, sometimes proved the greatest of blessings. He trusted the present event would teach government economy ; for, since they found the difficulty which attended the raising of money, they would be careful how they lavished it away.— He trusted this measure of taxing the farmer, would also have the effect upon him to awaken a watchful attention to the operations of government ; it would also give us the means of paying our debt, which is a most honourable employment, and of shewing to foreign countries that our revenues rest upon a foundation which they cannot shake.

Viewing the matter in this point of view, however unwilling he was, in general, to call upon the people for money, he hoped the principle before them would be adopted.

Mr. Gilbert said, the question was whether they should raise the revenue wanted by direct or indirect taxes.— Though he was opposed to direct taxes, he had no objection to the committee's rising, that the report might be re-committed, in order that the committee of ways and means might be instructed to report to the house a plan of direct taxation, for the decision of the house. He acknowledged the necessity of something being done, but he was not ready to vote for direct taxation, until he saw something more of the business.

Mr. Christie was against the committee's rising, because he thought it was necessary to determine upon the principle.— He did not know whether he should agree to this principle or not. It was proposed that each state should be apportioned according to its last census. By this, he said, Maryland would be considerably aggrieved. Several other states were in the same situation. If the gentleman would therefore withdraw his motion for the committee's rising, he would move to strike out the words " according to the last census." (The former motion of Mr. Harper was withdrawn.)

Mr. S. Smith hoped the words would not be struck out ; for if they were struck out, the whole resolution would fall to the ground, as if they were not to make a calculation upon the last census, they must either postpone the business until a new census was made, or go into the expense of making a new census for the business.

The gentleman from Pennsylvania (Mr. Swanwick) had gone fully into the business, and shewn to the satisfaction, he

doubted not, of many in that house, the necessity of going into some effectual mode for securing a permanent revenue. He believed it would be found a subject of difficulty to carry into effect a direct tax throughout the Union, but as the committee of ways and means had brought forward the proposition, he doubted not they had attended to these difficulties.

He was not afraid of the state of Maryland being over-rated by taking the last census. It was not necessary, he said, to go into that subject, or he believed Maryland ought to have had another representative on that floor. He thought they should not object to the plan before them on trifling ground, as they need never be able to apportion any system to farthings. Whether he should vote for the system proposed he knew not, but he wished to have the subject taken up, that we might have it in our power to say we are an independent nation, and that it may not be in the power of any other to cut off our supplies. Such a step, he said, was necessary, and he doubted not the people would be found willing to give their government a proper support.

Mr. Christie said, if he thought his motion went to destroy the principle, he would withdraw it; but he believed the principle would be as well tried without them as with them. He thought it would be proper to have a new census taken. He wondered his colleague (Mr. S. Smith) should think Maryland would not be over-rated by the present census. He was confident they would. If those words were out of the resolution, he would vote for it, but not otherwise.

Mr. Nicholas had no objection to the words being struck out, because if they were not, they must be guided by the last census, except a new one was taken; and if the gentleman could not take the sense of the house upon the propriety of taking a new census, without striking out these words, he hoped they would be struck out, in order to give him an opportunity of trying that question.

The question for striking out was put and negatived.

Mr. Dayton (the speaker) said the subject was an important one, and from his prepossessions (gentlemen perhaps might be inclined to call it prejudice) against a system of direct taxation, he could not think the house would be readily brought to agree to such a system. He only rose, however, then to notice what had fallen from the gentlemen from New-York and South-Carolina (Mr. Gilbert and Mr. Harper) who had wished to have the detail upon which the principle before them was to be carried into effect. He thought they should

first decide upon the principle, whether they would resort to a power, which had never yet been resorted to, of raising revenue ; in fact, whether a plan of direct or indirect taxes should be pursued. The decision upon this question, he said, should have no allusion to the manner of effecting it ; because, if the committee of the whole did not think it necessary at this time to go into a system of direct taxation at all, they would so determine, and a plan of indirect taxation ought immediately to be considered. He was therefore, far from wishing the resolution to be sent back to the committee of ways and means to have the business detailed : he would have the abstract principle first decided upon. Mr. D. hoped the sentiments of gentlemen would be fully given upon this subject ; for his own part, if he heard no stronger arguments in favour of the plan than had been offered, he should certainly be opposed to it.

Mr. W. Smith thought the gentleman last up had placed the subject on its proper ground. The principle ought certainly to be first decided upon. It was acknowledged on all hands, Mr. S. said, that there was a deficiency of revenue ; gentlemen who were opposed to this plan, should therefore substitute some other in its place, since revenue must be had. It was a good parliamentary rule, that when a member opposed an object proposed for revenue, he should propose a substitute. It was easy, he said, to object to a thing. He disliked direct taxation himself, but since there appeared no other way of raising sufficiently ample funds, he saw the necessity of fixing upon this. If gentlemen would propose any other mode of raising the money wanted, he should be glad to consider it. He thought at any rate, they should then determine upon the principle, before any further steps were taken in preparing any plan ; and, if it should appear to be the opinion of a majority of the house that, under no consideration whatever, a system of direct taxation should be adopted, there would be an end of the business and they must immediately turn their attention to some other way of raising the money required ; for his part, he was afraid if they passed over from direct to indirect taxes, they should not come to any thing effectual.

Mr. Williams was of opinion with the gentleman from N. Jersey (the speaker) that the principle should then be determined upon ; because to send the resolution back, in order to have a plan digested, if it should eventually be rejected, would be an unnecessary waste of time. He wished gentlemen from

every state would make their observations upon the subject, in order that they might determine whether some better plan could not be adopted. He thought every means of indirect taxation should be exhausted, before direct taxes should be resorted to.

Mr. W. said he did not think with the gentleman from Pennsylvania (Mr. Swanwick) that the landed interest did not pay their proportion of the present taxes. The consumers, it was allowed, were the payers of taxes ; and until that gentleman proved that farmers did not consume taxable articles, he must not say they did not bear their proportion of the public burthens.

It was well observed that our present revenue system was liable to be deranged by other nations : but perhaps it might be possible to adopt some other system, which should be more certain, without having reference to direct taxes. He could wish mercantile gentlemen would forbear throwing out insinuations that the landed interest did not pay their quota of the public expense ; he believed they were unfounded, and he was certain they could have no good effect.

For the present, he should wish the committee to rise, and hoped gentlemen would come forward another day, with their observations on this subject, that they might see if they could not hit upon some plan of raising the necessary supplies, without going into the plan of direct taxation.

The committee rose and had leave to sit again.

Mr. Gilman, from the committee of revision and unfinished business, reported that the report made last session upon the petition of Oliver Pollock had not been acted upon. On motion, it was committed to a committee of the whole to-morrow.

Mr. Coit said, he wished to lay a resolution upon the table, somewhat connected with the subject which had just been discussed. It was a resolution requiring the committee of commerce and manufactures to prepare and report a bill on the subject of direct taxation on land and slaves, the abstract principle of which had only been under discussion.

The resolution was laid on the table.

Mr. W. Smith hoped that gentlemen who objected to the mode of taxation proposed would to-morrow come forward with a substitute.

Adjourned.

Friday, January 13.

The speaker laid before the house a letter and report from the attorney general on the petition of Fanny Forsyth, widow of Robert Forsyth, respecting a lot of land in Fredericksburg, which had been conveyed to General Green, as a counter security. He recommended a disagreement to the prayer of the petition. The report was ordered to be committed to a committee of the whole on Monday next.

Mr. D. Foster, from the committee of claims, to whom was referred the petitions of James Cerril and Samuel Briscoe, and of Sidney George, in behalf of Joshua Louittit deceased, reported a resolution unfavourable to the petitioners, to which the house concurred.

A report was read on the petition of Henry Hill. It recommended, that the accounting officers of the treasury should be appointed to settle with him, for nine thousand seven hundred and sixty-eight dollars and 81-90ths. The report was read a second time, made the order of the day for Monday next, and ordered to be printed.

Mr. Kittera, presented a petition from the Illinois and Wabash land companies praying for certain immunities, which was read, and ordered to be printed, and committed to Messieurs Jeremiah Smith, Kittera, and Baldwin.

Mr. Kittera moved to have the unfinished business postponed, in order to take up the report on the petition of William Alexander, but his motion was negatived.

On the motion being about to be put for going into a committee of the whole, on the subject of further revenue,

Mr. Coit wished the house to take up the resolution he had yesterday laid upon the table.—The difference, he said, betwixt this resolution and the one reported by the committee of ways and means, was, that this called for the particulars of the plan, whilst that called for an agreement to the principle of direct taxation without any reference to a plan. This difficulty, he said, occurred. Many gentlemen objected to a direct tax, because they could not see their way through any plan of carrying it into effect. He himself did not feel this difficulty. He should vote for the resolution; because, if a plan was brought forward which he did not approve, he should vote against it. It appeared to him, however, that the house would have a more distinct view of the subject, if they had a plan before them.

Mr. Swanwick said the objection which he had to the motion was, that it would embarrass the question whether or not the house would agree to any system of direct taxation? Some gentlemen thought it impossible to devise a plan for this purpose; it could not be expected therefore that the committee of ways and means should produce such an one as would be wholly unobjectionable. Indeed, when he heard it asserted to be impossible, he trembled for the existence of our government; for it could not exist without revenue, and he could not see how that revenue could be raised but by a land-tax. The propriety of laying additional burthens on commerce had been suggested, but (as he had already stated) this would not probably increase the revenue, as it would most probably promote a spirit of smuggling. Let us go into a committee of the whole on the subject, said Mr. S. and let gentlemen bring forward their different plans, and then the committee will be able to determine which will be most likely to be effectual, and attended with the least inconvenience. There was but one sentiment as to the necessity of provision being made; and he was of opinion, if it was once determined to have a direct tax, such a plan might be produced as would prove acceptable, when gentlemen should be convinced that some plan of direct taxation must be adopted.

The speaker said the only motion in order would be, that the committee of the whole on the subject of finance be discharged, in order to refer the present resolution to the committee of ways and means to instruct them to report a plan; or, to commit the resolution to the committee of the whole on the subject of finance.

Mr. Harper asked whether it would not be in order, when the house should be in a committee of the whole, to move the present resolution by way of amendment to that reported?

The speaker said the chairman of the committee of the whole would determine that question.

Mr. Coit moved that the committee of the whole on the subject of finance, might be discharged from the further consideration of the subject, for the purpose of referring his resolution.

Mr. Williams hoped the committee would be discharged. He wished to have the plan in question before them, because if it was not necessary to lay a land-tax at present, it might be necessary at some future day. As to what had been said, that government could not be supported without a land-tax, he believed other means might be hit upon to raise the money

required without a land-tax. Not that he would commit himself so far as to say he might not eventually vote for a land-tax. But he believed if a small additional duty were to be laid upon salt and rum, and some other articles, there would be no difficulty in the business.

The speaker reminded Mr. Williams of the question.

Mr. Williams said he was stating his reasons why the system of direct taxation should not now be determined upon, because he thought there were certain articles upon which a heavier duty might be laid; though he wished, at the same time, to have the plan of a direct tax brought into view, to act upon when necessity should require it.

Mr. Craik was in favour of the committee of the whole being discharged, in order that the committee of ways and means might be intrusted to report a plan. He said he was in favour of this proposition, not so much from any objection he had to vote for the resolution as reported, but because if they were to have a plan reported, they should be more likely to bring the subject to an early conclusion. He did not think, with some other gentlemen, that by voting for that resolution, he should be bound to vote for any plan which might be reported. He had no fears of this sort; he believed himself always at liberty to vote as he pleased, and to change his opinion on any subject when he saw proper. But, as some gentlemen had expressed their objections on this ground, he thought it would be well to refer this resolution.

Mr. C. said, he believed when they considered their real situation; that they were not called upon to determine whether additional revenue should be raised or not, but that revenue must by some means be raised, he trusted gentlemen would turn their minds in earnest to the subject. He believed this to be the important business of the session; and when he looked at the report of the secretary of the treasury, he could not hesitate a moment in concluding that there was a necessity for acting with energy. Seeing, therefore, that they had no alternative, it became their business to have the subject thoroughly discussed, and to take a view of both sources, viz. direct and indirect taxation, in order to determine upon which system they would act. A resolution, he said, had been referred to the committee of ways and means some days ago, calling upon them to report what further revenue could be raised by indirect taxes. It would be well if that committee would bring into view all the subjects upon which indirect taxes might be raised or increased, in order to enable

them to determine betwixt the two systems. It might perhaps be advisable to have recourse both to direct and indirect taxation ; for though indirect means might supply our present wants, after the year 1800 they would certainly fall short, and he was not for putting off till to-morrow what might be done to-day. It was necessary the attention of the people should be driven to the subject, and that government should not be drawn to anticipations and loans, and to give extravagant prices for our own money.

He believed gentlemen opposed to direct taxation, were not so much so from principle as from an idea that it was impossible to adopt a system which would fall equally upon all parts of the Union. It was to be wished, therefore, that the plans could be seen and agreed upon, since some gentlemen were apprehensive that by giving their assent to the abstract proposition, they should pledge themselves to support a plan, however objectionable, when it should be reported. He hoped, therefore, the resolution would be referred, and a plan reported, upon principles which may be unobjectionable, gentlemen may then come forward, and add to the list, or make such alterations as may be deemed expedient ; they might tell the house whether or not they considered it proper to resort to both systems. Mr. C. thought, that from the present want of revenue to answer current expenses and the view of those wants increasing, both systems of taxation ought to be resorted to, to answer those demands.

Mr. W. Smith said it was to be regretted that the gentleman from Connecticut had brought forward this proposition, as it caused them to debate about form, rather than substance. The proposition of the committee of ways and means, went to say direct taxes should be laid ; this directed the committee to report a bill. He thought it best to decide in the first instance, whether direct taxes were necessary or not. By bringing the subject before the committee of the whole, gentlemen would have an opportunity of proposing their substitutes in place of the plan proposed ; and, by contrasting one with the other, they should be able to judge which would prove the best mode. But gentlemen say no, we wish to see what kind of a bill the committee will bring forward, if we do not like it, we will reject it.—What would gentlemen do? After three or four days debate, it will be sent back to the committee : by the time they report, it will be about the end of February, and on the third of March the house will break up. Gentlemen ought to be open and state

the particular views of their constituents on this subject ; they surely must know. He thought the best way would be to go fairly into the business, and determine whether they would adopt any system of direct taxation, which could be planned, and so far pledge themselves, as to determine they will agree to any practicable plan which may be produced, as revenue must be had.

Mr. S. said there could only be two objections to a system of direct taxation ; either that by the constitution there is not a sufficient power in the government to raise such a tax, or that it is inexpedient. If gentlemen thought there was not sufficient power in the constitution to raise such a tax, it should be so determined ; or, if it were thought that money could be raised in a more convenient mode, it was proper to discuss the principle, and come to a determination on the subject. This, he said, was the rational way of proceeding ; for if once the principle was determined upon that a direct tax was necessary, a number of objections would be softened down by the necessity which was seen to exist for adopting a plan of this kind.

It had been observed, that a resolution had been referred to the committee of ways and means, instructing them to report on the subject of indirect taxation. He did not object to the reference at the time ; but he had yesterday declared that that committee had repeatedly attempted in vain to hit upon subjects of indirect taxation for further revenue, and that they had therefore recommended a system of direct taxation.

The committee had done their duty. Gentlemen may now propose what they think a necessary substitute ; there could be no advantage in recommitting it, but it ought to undergo a full discussion in committee of the whole.

He hoped the resolution of the gentleman from Connecticut would not be adopted, and that they should go into a committee of the whole on the business.

Mr. Nicholas said the question was now whether they should determine upon something, or put it off till another time. We want revenue, said Mr. N. and we must have it ; and was it not better, he asked, to determine upon what principle they should act, than to call upon the committee of ways and means to report a plan. It was well known, he said, nothing but necessity could have obliged any member to have proposed direct taxes. Unless they first determined upon the principle, they should never be able to proceed ; because, however perfect the system might be, objections

would doubtless be made to it, and these would be made a pretence for doing away the bill altogether. He would have them now go into an investigation of the subject; when the gentleman from New-York, will of course propose his tax on salt and rum, and other gentlemen will bring forward their substitutes, so that they should be able to see, whether any other effectual mode could be determined upon in preference to the one proposed; if not, they would be obliged to unite in agreeing to a direct tax. But, if they were called upon to decide upon a detailed plan, before they had decided upon the principle, it would never pass.

Mr. Buck said, he hoped the committee would not be discharged. It seemed to be agreed on all hands, when the constitution was adopted, that direct taxes should not be gone into, except in cases of urgency and necessity. It seemed now to be agreed, that additional revenue was essential. The subject had been before the committee of ways and means, whose peculiar province it was to attend to all money transactions, and they had reported that the period was arrived, when it was become necessary to resort to direct taxation.-- Why, then, should they shrink from the inquiry? Since they had said this was the time, unless it were to be presumed they had erred, or members were ready to propose some other means which they think preferable to direct taxes, they ought to pursue the report made and take up the business. Taxes, he said, were always disagreeable, and it was with reluctance the people consented to pay any, except they saw advantage arising from the payment of them greater than to counterbalance the evil of paying. He knew also that a direct tax would be received with reluctance. He himself would never vote for it, but upon the principle of necessity. He viewed, therefore, the subject to be discussed, because if there was any other better way of raising the money required, he should vote for it; but if not, and there was an absolute necessity for revenue, then necessity would force him to vote for a direct tax. The reasons assigned by the gentleman from New-York (Mr. Williams) for wishing the committee to be discharged, viz. because he thought indirect taxes might be found to answer the purpose, induced him to wish the inquiry to be thoroughly gone into, and that they should not amuse themselves by referring the report back to the committee of ways and means, until they had decided that the time was arrived for laying a direct tax.

Mr. Gallatin said, that although, in appearance, the difference between the proposition of the gentleman from Connecticut (Mr. Coit) and that reported by the committee of ways and means, was only in form, and not in substance, yet he saw great danger in adopting this proposition. This danger would arise, provided there should be a majority in that house determined to vote against a system of direct taxation at all events. If there were such a majority, he said it would be well to know it as soon as possible, that they might either determine upon some other plan of raising revenue, or determine to retrench the present expenses of government.

Many gentlemen might vote for the proposition of the gentleman from Connecticut, who would eventually be against a system of direct taxes ; whereas he wished at present to know whether there was a majority in favour or against that system ; if the majority was against it, it would be well to have it rejected at once.

Mr. G. said, he did not think any gentleman would be pledged by voting for the report of the committee of ways and means, to support any bill which might be brought in, in consequence of it, if contrary to his ideas of right. To vote for the resolution, was no more than to say, they were willing to adopt the system, provided it could be satisfactorily carried into effect. He hoped, therefore, there would be no more objections on that ground. He also hoped those who intended to vote against direct taxes, would vote against the proposition of the gentleman from Connecticut, and go into a committee of the whole ; when, if they have a majority with them, they will vote out the proposition altogether.

He would not then, he said, say any thing on the subject of direct taxation, as it would not be in order. He hoped the committee of the whole would not be discharged.

Mr. Craik said, the gentleman from South Carolina (Mr. W. Smith) called this a question of principle. He agreed it was so ; but he thought the measure proposed by the gentleman from Connecticut, would produce the effect so much wished for. He believed he should be found to go as far as any gentleman in adopting efficient measures for raising revenue ; but he thought the mode of proceeding chalked out by the resolution now proposed the best. He did not consider it as improper to have recourse to direct taxes, whilst there were any sources of indirect taxation existing. There might be subjects of indirect taxation which it would be improper at present to resort to ; but his objection to deciding upon the

abstract principle was this, that many members had greater objections to the business on account of the difficulty which they supposed would attend the carrying of it into effect, than to the principle itself. And it was in vain to tell gentlemen they might vote against the bill, if they did not like it, because they knew it was in the power of a majority to carry the bill, however objectionable, into effect.

The question for discharging the committee of the whole was put and negatived. The question was going to be taken on going into a committee of the whole.

Mr. Harper said, he was not more disposed than other members of that house, to throw any obstacles in the way of providing revenue ; nor of unnecessarily postponing a business with a view of defeating it by indirect methods. But he believed there was always more danger to be apprehended from hasty, than from slow legislation. Large bodies like theirs, he said, suffered more from precipitation than from delay. If this observation was true, as it respected ordinary legislative business, it was much more so as it respected finance, and new objects of finance—measures which were to have an extensive operation on the prosperity and happiness of the country. He was one of those who thought that a certain portion of time devoted to this subject would have been well spent ; as the house, however, had not been of the same sentiment, but had determined to come to a decision upon the abstract principle, he should do, what gentlemen had been several times called upon to do, viz. submit to the view of the house, a proposition by which all the revenue which government stands in need of, without having recourse to the tax on land and slaves, proposed by the committee of ways and means, might with ease be raised.

Mr. H. then proposed the following resolutions to the house :

“ Resolved, that the duty now paid on salt be increased cents per bushel.

“ That the duty on that class of wares and merchandize imported from foreign countries, which now pays 10 per cent. ad valorem be augmented to per cent.

“ That the duty on such merchandize as pays $12\frac{1}{2}$ per cent. be augmented to per cent.

“ That the duty on such merchandize as pays 15 per cent. be augmented to per cent.

“ That the duty on Madeira wine be augmented per cent. on the present duty.

“ That the duty on Sherry, Lisbon, and certain unenumerated wines be augmented per cent on the present duty.

“ That the duty on foreign spirits not distilled from grain, be augmented per cent. on the present duty.

“ That the duty on Bohea tea, be augmented per cent. on the present duty.

“ That the duty on brown sugar be augmented per pound.

“ That the sum of be raised by a duty on stamps.

“ That the sum of be raised by a tax on windows, by apportionment according to constitutional rules amongst the different states.”

Mr. H. said he should not at present pretend to enter into a discussion of the principles, as that would do when the committee of the whole took it up : he therefore moved that the resolutions be referred to the committee of the whole house to whom was referred the report of the committee of ways and means.

The speaker said no discussion of the merits could take place in the house.

Mr. Gallatin inquired whether there was not a resolution referred to the committee of ways and means to the same effect by a gentleman from New-Jersey (Mr. Henderson.)

Mr. W. Smith read that resolution.

Mr. Venable suggested the propriety of referring this resolution to the committee of ways and means.

Mr. W. Smith wished rather that the resolution should be committed to the committee of the whole ; the committee of ways and means, he said, had already determined that sufficient revenue could not be raised from indirect sources. He wished the sense of the committee of the whole to be taken on that subject.

The resolution was referred to the committee of the whole.

The house then resolved itself into a committee of the whole, on the subject, Mr. Dent in the chair.

Mr. Cooper said the resolution for direct taxes was of such a nature as to justify each member speaking his sentiments freely and fully on a subject so interesting to their common country.

Direct taxes, he said, had always been considered as only to be justified as a resort in times of necessity. This was his opinion—this he thought the opinion of the framers of the constitution. This being the construction, it became a question whether we were now in that situation, whether we can support the expenses of government; whether we can pay the interest and principal of our debt; whether we can meet the Algerine contract; whether we can keep up our foreign intercourse; whether we can, in short, support the honour and character of the United States, without having recourse to this method of taxation. If we could do this, he said, then this mode should be left unexplored till the worst of times.

This, he said, was the principle upon which the committee ought to go, to which every obstacle should fall. He should therefore offer a few sentiments on the subject.

Mr. C. said, he had no expectation that a direct tax on land would meet with the general approbation of the citizens of the United States. It did not meet with his; but, perhaps interest, he said, might influence him, since it would bring the whole of his property under the law, it would bear heavy on him. He should, however, vote for the resolution. He should do so because he thought our commerce already sufficiently shackled, and because our citizens had had no experience in window taxes and stamp duties, and therefore would not relish them; and more especially, because in times like the present, when all Europe was at war, it was more difficult to support our neutrality and honour as a nation, than in times of peace. They had a number of things which put them in mind of difficult times, and he thought they were sufficiently warranted to make resort to suitable provision.

This being the case, Mr. C. said, he was desirous to do all in his power to secure an ample and substantial revenue, in order to enable us to meet our engagements with punctuality; because it was with governments as with families, when want approached, they were apt to censure each other as a cause of the evil. This had always been the case. The only remedy, he said, was to make provision beforehand; to keep oil in the lamp, in order to see our way on every side.

Mr. Harper said, they had been informed farther revenue was wanted. Every gentleman who had advocated a system of direct taxation had taken means to prove this, which was unnecessary. He admitted the fact in the amplest extent. But

there was another position of gentlemen in which he by no means agreed, viz. that the source of indirect taxation would, if resorted to, be unproductive, and that it had long since been exhausted, consequently, that we must have recourse to a land tax to procure the necessary supplies. This statement he entirely dissented from. He was persuaded this country possessed ample sources of revenue, through established channels, to raise all the money they wanted. The question, then, was one of expediency, whether this or that mode of raising revenue shall be adopted. And here he would observe, that however the tax was laid, it must be paid by the people; the possessor of the soil and consumer must pay. The whole question was, which way will be the most convenient to draw the sum wanted from them? Whether by a circuitous and indirect mode, or by a direct and positive method. In comparing these different modes of taxation, it would be necessary to take a view of the difference of circumstances which distinguished this country from others, of whose practice in this respect we had some knowledge.

He confessed there were great difficulties attending this subject. He was not ashamed to confess himself very unequal not only to the task of indicating to the house what measures would be proper to be taken, but even of judging for himself on the subject. It was a subject which had engaged for a long time the best talents of this country, and there still existed a division of opinion about which was the best mode of raising revenue; but, when an individual was called upon to form a judgment, however difficult the task may be, he must take some course or other, and in his choice he could only be directed by his own understanding, improved and informed by the experience of others.

Since the subject was full of difficulties on all sides, he said, they had only to choose between evils. He was of opinion that whatever objections might be brought against the system of indirect taxation, that the inconveniences of that system were far less than those which would be found in a system of direct taxation. With respect to a land tax, or tax on real property, there were circumstances in which he believed it the very best mode of raising revenue which could be adopted, viz. in a country where wealth and population were equally diffused throughout the whole territory; where markets were, of course, every where convenient; where a farmer could easily exchange his labour for another man's labour, or where produce sold every where at nearly the same price.

In such a country, he believed a land tax was a very good tax ; there the ratio upon which such a tax might be equally laid, was readily attainable ; but, in our country, he said, the situation of things was totally different.

It was well known, that the great population and wealth of this country lay near the sea coast, and that, in proportion as it was receded from, the population became thin and the country comparatively poor by being far removed from a market for the produce of the soil. The exchange against a man removed 300 miles from the coast was so great, that much of what he sent to market was wasted by the expense of conveyance. Hence results, said he, the scarcity of money which exists in the interior of a country like ours, which renders the payment of a small sum inconvenient, and this difficulty cannot be removed by any regulation which can be introduced. A man on the Monongahely called upon for twenty shillings, would find it lie heavier upon him than a farmer on the Delaware would find twenty pounds lie upon him, as he would experience more than twenty times the difficulty in procuring the money ; for, from the scarcity of circulating medium, in remote situations, it was almost impossible to convert the most valuable articles of produce into money, whilst persons living near a good market were able to sell the most trifling articles for a good price.

These observations were so well verified in that part of the country with which he was best acquainted, that though the most equitable valuation had taken place, yet a tax which had been laid in consequence of that valuation, had been collected with the greatest difficulty.

It would be found, therefore, from these statements (for the truth of which he appealed to every gentleman who had thought upon the subject) that let direct taxes be laid in what ever manner they might, they would bear extremely hard in some cases, though they might be perfectly light in others. This he considered as one of the greatest objections to a land tax, an objection which did not exist in European countries, as they are full of inhabitants, and the farmer had every where a market for his produce.

Indirect taxes, on the contrary, Mr. H. said, were collected with facility, and were voluntarily paid. If a man found himself pinched for money, he might refrain from purchasing, at least for a time, of such articles as were taxed, and not immediately necessities of life, or he would make a less quantity serve him ; but a direct tax could not be avoided, however

unable a man might be to pay it. Hence, he said, would arise executions and a variety of distress amongst that class of citizens who were unable to meet the demands of government.

Another objection, not less strong, to direct taxation, was the impossibility of apportioning such a tax equally. He said impossibility, and he was warranted in the expression. He was desirous of hearing how the committee of ways and means meant to apportion and collect this tax ; but this information was withheld, and they were called upon to agree to the principle without any plan of carrying it into effect. He said it was impossible from two causes : first from markets being remote in some parts and convenient in others, and consequently land being of much less value in some parts than in others, and from the vast inequality which took place in proportion to population and to the improved or unimproved state of agriculture. So that some parts of the same district were of much more value than others, and even some farms more than others, from the superior skill and industry of their present possessors, or of those who heretofore possessed them. There was no part of the country, he said, where this remark would not be verified. Combine with this circumstance, the contiguity and distance from markets, and the impossibility of an equal apportionment would appear evident. Nor was the distance from a market alone to be considered, but roads were an insurmountable objection in some parts of the country. How these difficulties were to be overcome, he was at a loss to see. He believed such a tax could not be laid with any degree of justice. It had been attempted in some states ; in some it had been found impracticable, and in others attended with very great inconvenience. In the state which he represented, it had been attempted upon a principle which seemed to be generally approved ; but it had been found that a man who possessed land of four times the value of his neighbour, paid no higher a tax than he who possessed the poor land.

What, said Mr. H. must then be done ? Would you resort to an assessment ? If so, you embrace an immense expense. For an assessor to go through the United States, and class every farm according to its value, would not only be very expensive, but it would require a very long time to accomplish such a business ; and the expense could not be stated at less than from twenty to forty per cent. the first year upon the sum raised. And to preserve any thing like a just valuation, it must frequently be repeated, as from emi-

gration, population, fertility, and a variety of other causes, the value of property was continually changing, and thereby the expense would become very heavy. Besides, from the attachments and interests of the persons employed on such an occasion, there would be no certainty of obtaining a just valuation, it would appear incalculable.

After all it would be impossible to come at the real value of land ; the carelessness of your collectors will be found a great obstacle, their indolence will prompt them to hasten over their business without that attention necessary to such a material object. Will your assessors go through the woods, justly estimate the value of every farm, consider the relative worth as it respects situation, soil and culture? No, sir, said he, they will care about nothing so much as pocketing the salary you allow them : hence many would be assessed four times more, and others not half the value of their land. In small and thickly inhabited districts it may be more equalized, but when the assessor has to explore those parts where to assess five or six individuals it would require four or five weeks, is an idea which would deter reasonable men from attempting such a scene. In other countries where land tax was obtained it was not so ; there they are mostly under yearly rent, the rent will there estimate the value of the property, and afford the means to collect the tax ; no difficulty could there arise in the apportionment, but in this country almost every man in the country lives on his own land.

Viewing all these objections, therefore, he believed it would be allowed, if it was not impossible, it was at least impracticable to any good effect to lay an equal land tax.

These objections, he remarked, could not be urged against indirect taxation; but there were other objections. They were told that the source of indirect taxation was so far exhausted, that to increase these taxes would risk the introduction of smuggling, by which the morals of individuals would be destroyed, and the revenue diminished. These, he allowed, if true, were very serious objections ; but he denied their truth. How did it appear that this source had been so much exhausted that no addition could be made without introducing smuggling? There was no statement to prove this; but he believed he should produce a statement which would prove the contrary. He believed the duties on several articles were rapidly increasing. This proved that the duty was paid with ease and convenience, and that it might be augmented without danger. But they were told, that whilst the revenue depend-

ed upon commerce, it was in the power of foreign nations greatly to embarrass it, and utterly to destroy it by a war with this country. The propriety was therefore urged of transferring the taxes from sources which might be so effected to internal sources.

These objections, Mr. H. said, deserved to be very seriously weighed. He believed them to be infinitely the most solid which could be urged against this mode of taxation; and if true in their whole extent, would afford real ground of objection. But, in the first place, it may be remarked, we are already in this predicament, as our resources depend upon duties arising from foreign articles imported; and we should be no more so, by increasing those duties, since we were as effectually under that influence whilst five millions were drawn from that source, as if double the sum was drawn from it. He would ask, if the danger was increased by increasing the duty? He believed not; but that the benefits would be increased, without increasing the danger or evil.

He believed, however, that this objection was so solid as to command attention, and to require us to shape our course accordingly. He believed it was advisable for them to turn their eyes from foreign to domestic sources of revenue, and commence a system, which may be increased as necessity may require, and upon which may be transferred a part at least of that duty which is at present drawn from foreign sources. This, he thought, was sound policy, and this would be found to be his intention.

There was another point of view, in which the plan he should propose recommended itself. They all knew money was immediately wanted. They were not to project a revenue which would be wanted by and by; 1,200,000 dollars were wanted directly. This sum, he said, might immediately be drawn from established channels; but how long a time, he asked, would it take to raise it by a direct tax? Those who were best acquainted with the subject, would be able to say there was always great uncertainty in new sources of revenue, particularly when the object of taxation was entirely untried. Circumstances might hereafter justify a transfer of a part of this tax, but, at present, the system of taxes already organized, should be resorted to, as in that there could be no deception; they would only have to ask for the money and it would be there.

He believed it would be unnecessary to extend any farther his general observations on the introduction of this subject;

he should now submit to the committee a sketch of objects which he meant to propose in place of a direct tax on land: He did not mean this as a complete system ; some of the articles might perhaps be properly enough struck out, and others introduced. He intended more to recommend the plan than any particular object. He would, however, point out the sources which had struck him as proper to be resorted to, and leave the committee to determine upon the propriety of adopting or rejecting them.

1st. Salt at present paid twelve cents per bushel, and the clear increase of duty from 1793 to 1795, had been from 247,000 to 345,000 dollars. This increase, he said, proved that the present duty was no way burdensome, as the consumption had greatly increased. He therefore proposed an addition of twelve cents per bushel, which would make an increase of duty of at least 300,000 dollars. If it was thought this was too great an increase, a less might be adopted. It might be said this was taxing a necessary of life ; but, he said, if salt were taxed he could use what he pleased of it ; but the same remark would not hold good with respect to a tax on land. Three bushels of salt would serve a labouring man, his wife and three or four children a year, or admitting it to be four bushels, this additional duty would only amount to half a dollar, and what portion of a land-tax would fall lighter than this? It would be said salt was used for cattle also. The quantity used for this purpose, he believed was small. A bushel of salt would be enough for thirty cattle in a year, but if it were two bushels, the additional duty would only be a quarter of a dollar, which would not be felt by a man who kept this number of cattle ; and if his number was larger, and he were a dealer, those to whom he sold them would pay the duty. The same observation would hold good with respect to salt used in salting up provisions for sale.

2d. His next object was an augmentation of the tax on foreign merchandize which at present paid ten per cent. ad valorem. This duty, he said, had increased from 1793 to 1795, from 455,000 to 1,781,000 dollars. There had, indeed, been a small increase of duty between 1793 and 1794, which operated in 1794, but the increase of duty had not been by any means equal to this increased produce ; and this being the case, it might be concluded the duty had been paid with convenience, and that it would bear an augmentation, and more particularly if it was recollected that the articles included in this class, were mostly articles of luxury and expence,

and consequently fair objects of taxation, since the tax would fall upon the rich consumers. Perhaps, he said, there might be some articles of necessity in the list, which might be deducted, without making a material difference in his calculation. He would propose to augment this class of articles to fifteen per cent. which would produce 500,000 dollars.

Almost the whole of this class were articles of expence and luxury, few are articles of necessity.—It is composed of bottles, wire, anchors, locks, blank books, brushes, sticks, cottons, muslins, calicoes, fatten, silks, corduroys, velverets, &c. will not these call on the rich that are able to pay. If you only add twenty-seven and half per cent, it will produce 25,000 dollars.

3d. The twelve and an half per cent duties, ad valorem.

They had within the period above mentioned, risen thus,

	Dollars.
In 1793,	83,000
— 1794,	241,000
— 1795,	645,000
	<hr/>
	969,000

This duty having increased five-fold (allowing for a small increase of duty as in the former case) it might very well be augmented, especially as the articles in this class were also articles of luxury and expence. Suppose two and a half per cent. be added to this class it would produce 100,000 dollars.

The articles in this class are printed cottons, muslins, manufactured wood, &c.

4th. His next object was that class of foreign merchandize which at present paid fifteen per cent. The net revenue of this class in 1793 was 81,000 in 1794, 362,000, in 1795, 885,000 dollars. This class of articles, he said, was exceedingly numerous, and comprised many articles of general consumption by all classes of the community, but also some of expence. Perhaps it would not be advisable to increase the duty very much on this class, particularly as many of the articles were such as were manufactured in this country, and to increase the duty too much, might encourage a monopoly amongst our manufacturers at home, which he would wish to avoid.—He should think, however, twenty-five per cent. upon the present amount might very well be laid, which would produce 100,000 dollars.

In this class are comprised watches, clocks, plated wares, hard-ware, &c.

Madeira wine was an article, the duty upon which might be increased, though it was already pretty high. In 1793 this duty had produced 117,000 dollars, in 1794, 152,000, in 1795, 190,000 dollars. The consumption, it appeared, had increased very considerably, and he thought it would at least bear ten per cent. upon the present duty, which would produce 15,000 dollars. He believed this might be done; but if it should be doubtful, it might be dropped without inconvenience.

Sherry, Lisbon, and certain other enumerated wines, the duties upon which he believed had increased more than upon Madeira, he proposed an augmentation which should be equal to 15,000 dollars.

Foreign Spirits not distilled from grain, was amongst the objects on which an augmentation might take place. This article produced in 1793, 898,000 dollars, in 1794, 1,492,000, in 1795, 1,400,000. The drawback in 1795 had been greater than in the preceding year. He would augment this duty 10 per cent on the present amount, which would produce 100,000 dollars.

Bohea Tea was an article of great consumption, which at present paid 10 cents per lb. In 1793 this article had produced 163,000 dollars, in 1794, 226,000, and in 1795, 222,000. He said he was not so certain with respect to the propriety of increasing the duty upon this article as upon others. The smallness of its bulk made it a convenient article for smuggling, and it would not, therefore, be prudent to advance the duty too high upon it. He thought, however, 10 per cent might be added to it, which would produce 20,000 dollars.

Brown Sugar, he said, now paid $1\frac{1}{2}$ cent per lb. It had produced in 1793, 646,000 dollars, in 1794, 510,000, in 1795, 710,000 dollars. This duty of $1\frac{1}{2}$ cent having been found a very light duty, being more so than the duty upon most other foreign articles, he would propose to augment it one cent per lb. which would produce 400,000 dollars. or half a cent would produce 200,000 dollars.

These augmentations added together, he said, would amount to 1,450,000 dollars.

This sum, he believed, might be very well raised by additional imposts, which was a greater sum than was wanted; 1,200,000 dollars being the estimated sum required. The augmentations which he had proposed might therefore be greatly reduced. This additional revenue, he said, would be raised without an increase of expence of one cent in the pound,

by a system of collection already established, and understood, and might be produced without delay, uncertainty or extra trouble.

He proposed also that 100,000 dollars should be raised by a tax on Stamps, and 150, or 200,000 by a tax on windows.

He proposed these, he said, not so much with a view to immediate revenue, but as a means of transferring by degrees the revenue from foreign to a domestic source. He had no doubt that a tax on stamps might be made to produce 500,000 dollars, and a tax on windows 4,000,000 if wanted. This might also be done with great facility, and would be infinitely preferable to a land tax, as it would fall equally upon all parts of the Union. He was not sure but a tax upon hearths might not be still better; and by these measures they would see how far they could go in drawing revenue from internal instead of foreign sources.

This he said, must be gradual. The first thing necessary was to organize a tax, which might take several years to bring to perfection. In the mean time, they should get what was immediately wanted from the sources he had already pointed out; and in case of future wants; they could have recourse to the Stamp and Window or Hearth-Tax.

Mr. Harper concluded with saying, he was sensible the plan he had proposed was an imperfect one; but as gentlemen had been cautioned against objecting to the system of direct taxation, except they produced a substitute, he had produced this, which might be added to or diminished from, as the Committee should see proper. He was convinced of the necessity of further revenue, and he believed that the patriotism of the people of this country would induce them to pay whatever tax they might be convinced was necessary.

Mr. S. Smith, from the committee to whom it was referred to enquire whether any and what amendments were necessary in the act relative to the Military Establishments, made a report, recommending fundry alterations, the principle of which was the repeal of that part of the act which relates to light dragoons, and to a major general and his staff. The report was ordered to be committed to a committee of the whole.

Mr. Madison, from the committee to whom was referred the confidential communication received from the President of the United States; a few days ago, gave notice that he had a report to make on the subject. The house and galleries were accordingly cleared.

This business finished, the house Adjourned till Monday.

Monday, January 16.

Mr. Foster from the committee of claims gave in a report on the petition of Frederic Hebner. It stated that the claim had been cleared off in 1784, and complained of the impropriety of applying to the house without proper examination before hand.

Mr. Muhlenberg said that the petition had been given in by him. The fact had proved to be that the executors of the person to whom the balance was due, never had received one farthing. There was much reason to think that the money had been obtained by a third person in virtue of a forged power of Attorney. This, as he believed, would be proved in a court of justice. He did not mean to object to the report. He only stated this excuse for the petitioner. The report, negating the petition, was agreed to.

Mr. Foster also reported on the petition of Andrew Duncomb which report was unfavourable to the petitioner; but on Mr. Greenup observing the member was not present who wished to advocate it, the petition and the report was laid on the table.

Mr. New moved that the petition of James Garnett legatee and executor of James Mercer, presented last Session be referred to the Committee to whom was referred the sale of lands in the North Western territory.

Mr. Ames moved a resolution to the following effect, viz. "That the Committee of Commerce and Manufactures be directed to enquire whether it would not be expedient for the better security of navigation, to place a number of Buoys within and near the harbour of Boston, and report by bill or otherwise." Agreed to.

Mr. Havens presented a petition from the collector of Customs and Revenue for Sagg-Harbour (Long-Island) praying for an increase of salary.

Mr. Sherborne presented also a petition from Jeremiah Libbey, Postmaster of Portsmouth (N. H.) to the same effect; both of which were referred to the Committee of Commerce and Manufactures.

Mr. Milledge presented a petition from William Matthews, clerk to the Commissary of the State of Georgia, for compensation. Referred to the Committee of claims.

A report was given in from the committee appointed to enquire if any additional rules were needful to be added to

the standing rules of the house. The report contained a rule which was, that when a member is to give in a petition he must previously state the substance of it, and if it appears that another has already been offered on the same subject, examined and rejected, it is not to be received. It was read and ordered to lie on the table.

Mr. W. Smith, from the Committee of ways and means, made a report on the subject of appropriations, which was twice read and committed to a Committee of the whole.

Mr. Harper laid a resolution on the table, directing the Secretary of the Treasury to lay at stated periods certain statements of duties and drawbacks, before the House.

Mr. W. Smith said the attorney general had been directed to make a report to Congress in March 1795, relative to a claim of the State of Georgia to certain lands, which had never been made to that House, but to the Senate only. He said the land in question was of great extent and value, and some measure ought to be taken on the subject. He therefore proposed that a message should be sent to the attorney general for a copy of that report. Agreed.

Mr. Malbone said he found it inconvenient to attend both the Committees of Commerce and Manufactures and the Committee of claims, and desired to be excused from attending upon the Committee of claims. He was excused, and his colleague Mr. Potter was appointed.

The house then went into a committee of the whole, Mr. Dent in the chair, on the report of the committee of ways and means on the subject of further revenue.

Mr. Henderson: Mr. Chairman, I am very sensible that our present revenue system is not sufficiently productive, to answer the exigencies of government, and that it is necessary, during the present session, to adopt some measures to improve it. This, I believe, will be admitted by all, and the only question is, as to the mode by which it shall be accomplished.

Two modes of obtaining an increase of revenue, are contemplated. The one, by extending the present system of indirect taxation, as far as prudence will admit—The other, by having recourse to direct taxation.

Upon taking a comparative view of the two different modes the advantages that appear to my mind, to arise out of and flow from the first, have so much the preponderance, that I cannot give my assent to the adoption of the other, until the improvement of the system of individual taxation

has been fairly tried, and shall prove insufficient to meet the necessary expenditures of government.

Sir, I will take the liberty to enumerate a few of the advantages that the present system possesses, which cannot be attached to the new one. This system has been organized, for a considerable length of time, and the citizens have got accustomed to, and are generally well satisfied with it. It can be extended without any change in the system, or perhaps the appointment of one new officer. It will occasion the least possible expense in the collection. It is the most easy, and agreeable mode of raising revenue from our citizens, in the power of government to adopt. They pay the tax voluntarily and imperceptibly; they have an option, to consume much or little; and in proportion to their consumption, will be their contribution to the revenue.

Sir, the revenue arising from this system, has been in a state of progression ever since the system was got into operation, and I trust may be preserved in that state. It has, I believe, answered the most sanguine expectations of its promoters, and I have very little doubt on my mind, but that it would have met all the common exigencies of government, if there had not, of late arisen some very extraordinary and heavy expences, which greatly augmented our public debt.

Sir, with regard to the system of direct taxation, almost every member who has advocated the measure, acknowledges that it will be attended with considerable embarrassment, and I believe the opinion to be well founded. Great innovations upon systems of taxation, are generally embarrassing. It is to us unexplored ground. The drawing of revenue, by coercion from our citizens, appears to me one of the most delicate and difficult subjects government can engage in. Besides the danger of encreasing the excitement of the public mind, and of alienating the affections of our citizens from the present government, I think that the difficulty of levying a land tax upon principles of equal justice (a principle that ought always to be kept in view) will be almost insuperable. This sentiment was so fully and ably discussed by the member from South Carolina, who was last up on the subject, that there is little room for any further remarks upon it. I will proceed to observe, that this system will require an entire new organization, which cannot be carried into operation short of a very heavy expence, and the earliest probable time that it will afford aid to our revenue will be considerably remote. With regard to the expences of the

system, the Secretary of the Treasury appears to have been sensible that the collection of taxes in this way would be very expensive, as will appear by a statement in his report upon the system. In that report he apportions the sum of 1,484,000 dollars to the several states, from which he deducts for abatements, erroneous assessments, and charges of collection, fifteen per cent, amounting to 222,600 dollars, leaving the net proceeds of the tax 1,262,400 dollars, an expence vastly exceeding the expences of collection under the present system, a view of which I will attempt to exhibit, as contained in the last statement of the Secretary of the Treasury, shewing the amount of duties upon imports, tonnage, &c. The net proceeds are stated at 7,959,409 70 dollars, and the expences of collection are stated at 260,359 21 dollars, making between three and an half and four per centum. The difference will be as 15 to 3 $3\frac{1}{4}$ or at most to 4.

Sir, with regard to the expences of collection I would ask, if any member would want a moment's time to determine which is the preferable system? I apprehend not.

Sir, the gentleman from Pennsylvania, who was first up on this subject, regretted exceedingly that a system of direct taxation had not been adopted long since by government. For my part, I differ very much in opinion from that gentleman upon this point, and I can say, that instead of regretting, I rejoice that such a system has not yet been adopted, and have full confidence that the measures of government will not be paralysed, as that gentleman seems to think, if it should be further postponed. That gentleman is engaged in the commercial line, I am in the agricultural line, which, perhaps, may account for our great difference in opinion upon this point. However consonant it may be to the feelings and interests of the commercial part of our citizens, to have the revenue raised in this way, sure I am, that the gentleman, with all the force of eloquence and reasoning that he is possessed of, will never be able to convince the great body of the yeomanry of this country, that it will be more for their interests to collect the revenue at the expence of 15 per cent, than at the expence of 3 or 4 per cent.

Sir, it appears that the gentleman from Pennsylvania has it in contemplation, to throw the whole burthen of government upon the farmer. If I recollect right, his words were these, "the wealth of the country must have become so considerable, from the high price which every agricultural pro-

duction had long been at, as to enable them very well to support the expences of government.”—With regard to which, I would observe that under the present system, in my opinion, the farmer generally bears an equitable proportion of the expences of government. There may be some few exceptions, as it is impossible that any revenue system can be established that will operate equally in proportion to wealth upon every citizen, and it would be highly impolitic to lay the whole burthen of the revenue upon any one particular class or description of citizens, but the surest policy, is to let both agricultural and commercial bear their parts as they now do.

The gentleman farther observed, “that if peace was made between the nations at war, he had no doubt, but there would be a defalcation of the revenue.” He offered no reasons to support his opinion, and as I am of a different opinion, I will, in a few words offer the reasons why I think our revenue, instead of meeting with any considerable shock from that event (so ardently to be wished for by every humane mind, by every true American) will be improved. Commerce depends chiefly upon wealth and population. If peace should take place, our wealth and population will progress very fast. I think we may reasonably calculate upon a larger ratio of wealth and population emigrating from all parts of Europe to America. In proportion to the increase thereof will be the demand for, and consumption of imported articles. Our commerce will not only be continued with the old, but be extended to new markets, which will of course, increase the quantity of imports and tonnage, and in proportion as they are increased, will our revenues be augmented.

The gentleman observed that, with respect to the excise, he need not say how unproductive it had been. The article of snuff, instead of producing any thing, had brought the revenue in debt: and that the excise on another article, had called forth the military to enforce it. Sir, if the gentleman had attended to the report of the Secretary of the Treasury, speaking on this subject of internal revenue, he would not have made so unqualified an expression as to the produce of the excise. The Secretary of the Treasury informs, that the product of the internal revenues for the present year will be considerably more than the year past, for the year past they were stated at between 300,000 and 400,000 dollars. With regard to the article of snuff, it is obvious to every one that this arose from the advantage that was taken of the

law, but the law being suspended, there can be no further loss; and I think that when it shall be amended, we may count upon a net product hereafter from that article. With regard to the article that the gentleman alludes to, that the excise upon had called forth the military to enforce it, I would only remark, that it is now becoming certainly productive, and generally satisfactory, and as to the unhappy circumstance of the military being called forth, I believe that it was not owing to any inherent principle of the law, but much more to extraneous causes, which I shall not attempt to explain. The gentleman went on to observe that the augmentation of the duties would not prove an augmentation of our revenues. I believe that opinion to be incorrect, and I think if the gentleman had attended to the final operations of our government, he would not have advanced it.—Sir, our duties have been repeatedly raised, and daily experience convinces us that our revenue has uniformly been in a state of progression.—Sir, the gentleman endeavoured to enforce his argument by referring to the recommendation of the President of the United States upon the subject. For my part I would ever wish to pay all due respect to the recommendations of the President, as I sincerely believe that they are founded in wisdom and patriotism. But until the gentleman can change the phraseology of the President's recommendations upon the occasion, he cannot make the argument apply. The President has never in any communication that I have met with, conveyed the idea of a land tax being necessary, and I contend that we are as much complying with his recommendation by raising the revenue wanted in the one mode, as we would be in the other.

Sir, as members are called upon for a substitute, and to specify such items of indirect taxation as they judge proper for that purpose, I will take the liberty to mention a few in addition to many that were enumerated by the gentleman from South-Carolina, that appear to me as proper objects to embrace or to extend the duty upon. And first, with regard to such as have not yet been noticed by government; of this description are all theatrical exhibitions, porter manufactured within the United States, clocks and watches. It will be obvious, at first view, that these are articles of convenience or luxury, that are generally used by those who are the most able to bear the burthen of government and may be used or omitted at pleasure.—Sir, with regard to theatrical exhibitions, we need only to turn our eyes to the large and expen-

five buildings occupied for those purposes to convince us that the sources of private revenue derived from their exhibitions must be very extensive, and if so that they will be a proper object to raise some public revenue from.—With regard to porter manufactured within the United States. I think there may be some revenue derived therefrom with as much propriety as from spirits distilled, and the manufacturer might be protected by an additional duty upon imported porter.—With regard to clocks and watches they are articles of convenience, chiefly used by those who would not be distressed by a small tax, and I am inclined to think, from the great number in use, that a considerable sum might be raised from them.—With regard to articles that will bear an extension of duty, I agree in opinion with the gentleman from South-Carolina, who gave us so full a detail upon the subject, as to the greater part of the imported articles, and should have been glad if he had included all kinds of teas, instead of confining his calculations to bohea only, and also beer, ale, and porter, among the class of liquors.—With regard to the finer teas, I am of opinion that they will all bear an addition of duty, from this one consideration, that we use them upon better terms at present, under the duty they pay, than we formerly used the inferior kind—With regard to beer, ale, and porter, I would propose an additional tax, not only to aid the revenue but to protect the manufacturer among ourselves. Of the duty paid upon these articles, I expect that foreigners would pay the greater part as they generally give imported the preference. I am inclined to think that if the duty may be raised upon imported, it may also be raised upon spirits manufactured in the United States.

Sir, I would wish to make one or two observations upon the statement made by the gentleman from South-Carolina, who gave us a detail of the expenses and the probable revenue of government, I find in his, statement of the probable revenues from existing laws, under the item of duties on imposts and tonnage, the amount of 5,588,961 dolls, computed as the annual net proceeds, I find in the statement made by the Secretary of the Treasury, wherein he exhibits a general view of the amount of revenue upon imposts and tonnage for the year 1795, the net proceeds to be calculated at 7,959,409. 70 dolls. making a difference of 2,370,448 70 dolls. I find also in the report of the Secretary of the Treasury, upon the system of direct taxes, the following observation, viz. “What the product of the present year will be, cannot be

yet known; although it is certain that it will exceed, considerably, that of the year, 1795." The net proceeds of the year 1795, being as I before mentioned 7, 959,409. 70 dolls. and being informed by the Secretary of the Treasury that the amount of duties upon imposts and tonnage this year will with certainty considerably exceed that sum, I am at a loss to determine upon what principle the gentleman has founded his calculation of 5,588, 96 dolls. for the true amount of annual revenue, unless he should have taken it only from the actual receipts, which I should suppose would not be correct, because the difference between the receipts of cash in the Treasury, and the amount of duties must create a debt due the Treasury in the hands of some body that must be paid, and will prove in aid of the revenue. I make no doubt but that the gentleman who gave us the statement from his knowledge of the subject, and usual correctness, can explain the reasons of the difference. I would further observe that, under the same head, the items relating to internal revenues are stated at sums considerably below the amount of the present year. The Secretary of the Treasury informs us that the product of the internal revenues for the present year will be considerably more than the year past. I think the gentleman has omitted in his statement one or two items that appear to me deserving of some notice. I mean the probable amount of sales of land under the act of May last, and the debt due from I. C. Symmes and his associates. I think we have a right with some degree of certainty to calculate upon some productive aid to our revenue from the sale of public lands. I am informed that there has already been sold above 100,000 acres from 2 to 5 dollars, per acre averaging of which at $3\frac{1}{2}$ dollars will make 350,000 dollars which I should suppose a considerable item in the revenue account, and as the law has been but a short time in operation I think we have reason to expect considerable aid to our revenue from this source. With regard to the debt of Mr. Symmes, if the contract is fulfilled on the part of government agreeable to the report of the Attorney-General, it will make a considerable item in the revenue account, according to my calculations, there will be better than 400,000 dollars immediately to be paid or placed upon interest and paid in six half yearly instalments.

Sir, the gentleman in the course of his remarks proposed the small sum of 200,000 dolls. to be raised by direct taxes. This sum it is true does not at first appear at all alarming. But I have heard, upon former occasions, the idea of an en-

tering wedge to a system suggested. This would operate as a complete one, although small yet the more dangerous; for to pursue the comparison, persons with wedges, having great force to overcome, make use of slim or small ones first, as they are more easily introduced and soon make way for larger ones. This I expect would be the effect of the proposed system and probably in time make way for the full accomplishment of the measure suggested by the member from Pennsylvania, which I before stated to throw the whole burthen upon the farmer.

Sir, These being my sentiments I must vote against the resolution now offered.

Mr. Varnum, I consider it the indispensable duty of this house, and of each and every member of it, as much as it is in our power, to preserve inviolate the public faith, and to make all necessary provision for the payment of the just debts of the United States. But in doing this, we ought to have recourse to such objects of taxation, and such methods of collection, as we have reason to believe, will be most agreeable to the people.

The government, no doubt, under an impression, that they were doing right, have resorted to imposts and excises, as the proper mode of raising a revenue; and experience has evinced that this mode of taxation is a feasible one in the United States; it places very large sums of money in your treasury annually; and it is paid by the people, with a greater degree of cheerfulness in this way, than it probably would be through the channel of taxation. Many of the objects from which our revenue is raised, by duties on impost and excise, are articles of luxury and superfluity, and as they are generally considered to be such, those who make use of them, do willingly pay the tax laid on them by the government; and I presume will continue so to do, so long as the money shall be appropriated to purposes, which are promotive of the good of the union. Duties on those articles which may be more properly classed among the necessities of life, are paid by the consumer when he purchases the article, and are less felt by him, than they would be, if the whole duties of a year were to be paid in a gross sum.

By this mode of taxation, it is true, the poor and the industrious people, whose income and labour barely supplying them with the common necessities of life, do not pay any part of the tax or duty, on Wines, Teas, Silk, Carriages, and a great variety of other matters; and why should they

when their necessity entirely prevents their ever making use of them? Yet the duty is paid, and it comes from the proper source; the man in possession of the money remits it to the public; and the poor man is thereby enabled to supply his children with bread, to assuage their hunger; and by cloathing, to guard them against the inclemency of the weather. Thousands of such people are within the United States. It is a maxim that will always hold good, that money must be looked for where it is, and not where it is not.

Hence I conceive the present mode of collecting a revenue, under the government of the United States, to be far preferable to a land tax: It is paid by the people with more facility, and realized by the government with more certainty. Besides, the system is arranged and in a regular operation; all the officers are appointed, who would be necessary if a much larger sum were to be raised in the same way; so that the expence of collecting any additional duties on imposts and excise would be comparatively very small.

I am therefore clearly of the opinion, that, any additional sums which may at present be needed, for defraying the expences of the government, or for the payment of their just debts, ought to be raised by duties on imposts and excises; that is a method of taxation with which we are acquainted, and which experience has taught us the operation of, under this government.

But such is the variegated interest of the United States, and such their diversified method of levying and collecting direct taxes that no uniform system of direct taxation can be devised, which will apply to the custom of any two of the states; and unless you adopt the rules of some one of the states your system will be diverse from any one which has ever been practised upon in any part of the union. But if you adopt the method which has been prescribed by any one of the state governments and which may probably be very properly adopted, to suit the circumstances, and conciliate the feelings of the people of such state, even in that case, you will have the prevailing opinion of the people of fifteen states out of sixteen, directly opposed to your system. And this opinion having been acquired from long experience of the operation of direct taxes (which most of the states have of necessity constantly resort to, for the support of their state governments, and for discharging the debts contracted in the late war with Great Britain) and which being found-

ed on social circumstances, habits and attachments, are very hard to be eradicated, will very much retard the operation of the system, if not render it entirely impracticable.

The Secretary's report on this subject brings into view, three modes of levying direct taxes, with which the house are acquainted.

The first of these modes has for its object, an apportionment on each state, on constitutional principles assigning a time for the money to be paid into the treasury, on failure of any state, to be assessed and collected by the authority of the United States, upon the same objects of taxation and pursuant to the same rules by which the last taxes were assessed and collected in such state.

" 1st. That an act of Congress should be passed, declaring " the quotas of the different states; assigning a time for " payment into the treasury, and proscribing, in cases of " delinquency, that the said quotas should be assessed and " collected by authority of the United States, upon the same " objects of taxation, and pursuant to the same rules by " which the last tax were assessed and collected by the respective states.

" 2d. That the Act of Congress should direct that the proposed tax should be assessed and collected under authority " of the United States, upon the same objects of taxation, " and pursuant to the rules of the collection by which taxes " are collected in states respectively.

" 3d. That the Act of Congress should define certain " objects of taxation and principles of assessment, according " to which the proposed tax should be assessed in all the states, " to be collected pursuant to uniform regulations.

The report treats the first mode as entirely unworthy of confidence. It gives some countenance to the second mode; but finally concludes that it is ineligible; the 3d. mode is recognized as the preferable one, and has been agreed to by the committee of ways and means; but, sir, I must take the liberty of differing from them in opinion on the subject; the mode which they have agreed to, is in my mind by far the most exceptionable of the three.

It destroys that equality of taxation, which ought to characterize every nation, and which by strict attention and industry, founded on the true principles of equal liberty, from many years experience, most of the states in the union, have in a good measure, acquired the knowledge of, and adopted.

It is calculated to saddle the industrious farmers of our country with an undue burthen. From the industry, toil, and fatigue, of those whose lot it is to till the earth, all orders, faculties and professions of men derive their support. How many thousands of people in the United States, live from year to year without once feeling the fatigue of hard labour? and many of them swimming in luxury, from the effects of capitals artfully acquired, from the hard earnings of the unwary labourer. And shall a system of direct taxation be adopted under the government, which the people have formed upon the principles of equal liberty, which will oblige the industrious farmer to pay a land tax, and a tax on his building, which in most instances includes nineteen twentieths of his property; and all the money holders, holders of all other kinds of property, and those who from profession, or emolument derived from the operation of our government, are living in affluence, be exonerated from any part of the burthen, except a small pittance for the houses they live in? No Sir, it appears to me, that a system like this never can be agreed to in this house. Again, setting aside the dependence of the community on the industry of the farmer and mechanic for food and raiment, are not these the men on whom the government must principally rely for personal service in defence of the country in case of an invasion from a foreign enemy? If so, which I presume will not be controverted, are they not entitled to equal privileges with their fellow citizens, according to the property they possess? most assuredly they are; but very widely otherwise will be the case, if the system before you should be adopted. The time that must be spent in forming an estimate on the new principles through the United States, and the great number of new officers (at least 3,500 would be necessary) in assessing and collecting the tax would add very essentially to the burthen. If a direct tax should ever become necessary under this government, I hope it will embrace all the objects of taxation, which have been designated by the particular state governments; and notwithstanding the ingenious reasonings in the Secretary's report, against the practicability of the second mode therein stated, I am unable to figure to myself any possible inconvenience which would arise from it on the ground of the objections. And why that system was not adhered to in the report am at a loss, for the resolve directing the report to be made contemplated no other.

But I am, from my present opinion induced to give the system first mentioned in the report the preference. The several states being convinced that the authority of the general government would be exercised if the money was not furnished by the time prefixed, they would in all probability make the remittance; but if any state should fail of doing it, this government would make the assessment on the inhabitants of the delinquent states; and would be under as good advantages for collecting it, as it would have been to have made the assessment on the inhabitants in the first instance; and the reasoning in the report does not apply to the case, for under the former government the Congress had no power to assess money on individuals in any case, and therefore were under the necessity of depending on the will of the state governments alone for a compliance with the requisitions; but under the present government the power of Congress to assess and collect such deficiency, is commensurate with their power to make the requisition.

This mode of laying direct taxes, would require no new officers, the money would be collected by the state officers with the state taxes, and would be attended with much less expence to the people, than either of the other modes presented.

But there are almost inseparable objections to a direct tax under this government, view it in what light you please; and I presume, that the government never will adopt one, until all the objects of indirect taxation are exhausted and the demands on the treasury make it indispensibly necessary. Is that the case at this time? No Sir, I think it is not; but that very large additional sums may be drawn from that source if it were necessary.

Before we go fully into an investigation of the principles of a Land Tax, perhaps it would be expedient to enquire into the annual receipts and expenditures at the treasury, and to satisfy ourselves whether there is, or is not a necessity of laying additional taxes of any kind. And if on rational calculation it should be found that the proceeds of existing taxes will be commensurate with the demands on the treasury for the four succeeding years your land tax will certainly be unnecessary. Being myself convinced of the fact, I will take the liberty of stating the principles on which my opinion is founded.

The annual expence of the government, including all demands, is estimated by the Secretary of the Treasury up

	DOL.	CTS.
to the year 1801, at - - -	7,463,000	
The report estimates the duties on imports and tonnage, by the actual receipts into the Treasury, in 1795, at - -	5,588,961	26
From excises on the same principle, at	337,255	36
The revenue from the post office, at -	35,000	
Bank dividend, at - - -	150,000	
Interest on the redeemed stock, -	88,636.65	
On patents, &c. - - -	746	73
Amounting to	6,200,600.	

Which leaves an annual balance against the Treasury of - - - 1,262,400.

But it is to be observed that this statement is made from the money received into the Treasury in 1795, and is the product of the revenue in 1794. And by recurring to the revenue returns for 1795, we find the net amount of duties on imports and tonnage in that year is 7,959,409 70.

Which gives a balance in favour of the Treasury besides supplying the sum calculated to be raised by direct tax of 496,409 70.

The amount of the revenue to be derived from excise, is also estimated from the actual receipts in the Treasury in 1795, and is indisputably much too low, for in many parts of the United States the excise law had just begun to operate in 1794, in which year a great part of the receipts of the Treasury in 1795, actually accrued. It is, I think, most proper to take this estimate from the most recent date of receipts, and,

From the 30th of Sept. 1795 to 1st October 1796, the receipts on account of excise were - - - 469,579 31

Since that sum was collected from the people an additional tax has been laid by way of excise which will considerably increase that branch of revenue.

Post Office Revenue - -	35,000
Dividend of Bank Products - -	150,000
Interest on redeemed stock - -	88,636 65
On Patents - - -	74 75
Whole amount of net Revenue, -	8,492,700 41

From the great increase of the revenue from 1795 to 1796, I think that this statement can be relied on, with a great degree of certainty, as a proper estimate of our annual revenue from existing taxes which give an annual balance in favour of the treasury of 1,029,700 41

The secretary of the treasury, in his report on the subject of direct taxes, estimates the annual expence of the military and naval department and military pensioners at 2,000,000

The estimate in detail for those departments for 1797 - - - 1,508,890

And I am of the opinion that the real annual expence of those departments, will fall considerably short of this estimate taking it for four years, if proper economy is used, which will further increase the surplus money in your Treasury. The general staff of the army are by the laws of the United States, to be continued no longer than the fourth day of March next, and therefore the items which apply to them in the estimate cannot be considered as an annual expence.

The pay of the general staff estimated up to the 4th of March next - - - 874 31

As the United States are in a state of peace, and their army have only garrison duty to do, the keeping up a corps of dragoons can be of no use whatever, and a considerable saving will be made by reducing the corps.

The dragoons' annual pay amounts to - 9,480

General staff subsistence to the 4th March next, 2190 rations at 20 cents per ration, is 578

Forage for the general staff 217 13

Cavalry forage - - - 9,696

The equipments for the cavalry - 2,135 66

Horses for the cavalry - - 13,950

The Secretary has estimated the expence of the quarter-master's department at 250,000 dollars. I am led to believe, that the state of the army will admit of a reduction of that expence - - - 100,000

A reduction of 50,000 Indian rations it being half the number stated in the estimate 10,000

Expence of running the line of the Indian territory - - - 10,000

or building mills, &c. at Oneida	-	DOL. CTS.
		5,000

These items amount to	-	-	161,931 10
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Deduct this last sum from the estimate for 1797, leaves	-	-	-	1,346,958
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And this last sum deducted from the 2,000,000 stated in the report on the subject of direct taxes, as an estimate of the annual expence of the army and navy and military pensions gives another balance in favour of the Treasury, of

-	-	-	653,041 10
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This sum together with the surplus revenue in favour of the Treasury make	-	-	1,682,741 51
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This sum is the net product of our annual revenues over the sums necessary to discharge all demands on the Treasury for the four succeeding years.

From this statement, which is taken from authentic documents, does it not clearly appear that it is entirely unnecessary, and even inexpedient to impose additional taxes of any denomination in the present session? While the existing taxes give you a net income of more than a million and an half of dollars annually, over and above the annual demand which can, in the common course of occurrences, be made on the Treasury for the four succeeding years, can you with propriety lay additional burthens on the people? It has often been observed in the course of the debate on this subject that all would agree in the necessity of additional taxes; but so far from an unanimous concurrence in this opinion, on a candid examination of the subject, with an usual reliance on the common course of events, will not every member of this house consider *any* additional taxes to be unnecessary?

Mr. Swanwick said that if the gentleman last up could make good his calculations, he should agree with him there would be no immediate necessity for new taxes; but even if this were the case (which he was far from being convinced of) he should wish a system of direct taxation to be commenced in order to have a certain source of revenue; any surplus arising from which would be well employed in discharging a part of our public debt.

The gentleman from New Jersey (Mr. Henderson) had said the President had never recommended direct taxes; he believed the President knew too well the privileges and duties of that house to interfere in any thing which related to the origin of revenue; but he had, with great propriety in

his opinion, frequently urged the necessity of discharging the public debt, a debt, which Mr. S. said, if not got rid off, threatened the extinction of the government itself. The funding system, he said, had been the ruin of every country which had adopted it; because one generation put off to another what was its duty to have done for itself, viz. to pay its debts. A debt of 80 millions, he said, called loudly for extinction.

If it was admitted, in order to reduce our debt, and make provision for the future, fresh revenues were necessary, it became necessary for them to compare the merits of the two systems proposed to their view for raising this money. They must examine the objections against one, and against the other. The great objection urged against a direct tax, was the difficulty of obtaining money from farmers in remote parts, and of obtaining a just valuation of property, and the expence of collecting the tax. As far as these objections had any weight, government should make efforts to surmount the difficulties. But it was said, it would be a long time before this tax could be brought into operation; if so, it was necessary to make a beginning, since without a beginning they could never expect to come to the end.

But was it not, he asked, acknowledging a principle dangerous to the existence of government, to say it was impossible to collect a tax on land [Mr. Harper said he had never said or thought so] Mr. S. said he believed some such thing had been said; the difficulties had been stated by different gentlemen as insurmountable, and it became necessary to remove these difficulties. Suppose a war was to take place, was that the time, he asked, to commence a system of this kind? he believed not. Such a season would be the very worst for collecting taxes. And was this country so situated, that there was no possibility of being involved in war? No matter from what quarter; whether it was with France or with England, it was necessary to guard against such an event by making our revenues sure.

How could we meet any foreign nation upon equal terms in treaty, when they could say to us, if you do not so or so, we will destroy your commerce, and paralyze your revenue. In time of peace, he said, this business should be attended to; if it were not, how would gentlemen accuse themselves if war should overtake them? They would certainly have much reason to do it.

With respect to a land tax, Mr. S. said it was certain,

equal, and might be collected with little expence. For, notwithstanding what gentlemen had said, the expence incurred was only at the commencement; as when an assessment was once made it would last for many years.

We know, said Mr. S. that a window tax, a hearth tax, a stamp tax, and an excise, cause murmurings and discontents wherever they are established; but in no country has a land-tax been grievous; except, indeed, in France, where the extensive property of the clergy and nobles under the old government was exempted from the tax. In England, there were also some objections to the tax, from its being made from what is called the *Doomsday Book*, (a very ancient record) by which means the tax falls unequally, as, since that time, lands have so greatly changed in value, that a new assessment is become necessary to make tax equitable and unobjectionable.

But, he said, were there not some circumstances at present which marked the time as proper for laying a tax on land? Did not every one know that the very high price of produce must have put the farmer in a situation to contribute some portion of the expences of the state? Would they be better able to pay when their produce should become lower? They certainly would not. He was not, he said, more desirous than others, to call upon country gentlemen, he did it only from necessity. When he considered the danger of being left without revenue, he could not refrain from making the call, and he believed there would be found virtue enough amongst the farmers, to bring them forward cheerfully to pay what the wants of government required.

He saw no objection to a land-tax that might not be removed. Whether the mode recommended by the gentleman from Massachusetts (Mr. Varnum) or any other would be best, was not then the question, but would be decided at a proper time. It had been said that farmers paid their proportion of indirect taxes; if so he said they could not complain of a land tax, as that would not fall heavier upon them than any other tax would do. But gentlemen said an indirect tax could be evaded; he thought there was no excellence in that quality of a tax, but the contrary, since the greatest recommendation of a tax was, that it fell equal. All taxes on consumable articles, he said, bore very unequally. A large poor family consumed much more of them than a rich small one.

It had frequently been said that all duties upon goods im-

ported, were paid by the consumers. He believed this was not so; and he fancied any one who looked into the vendue stores, and saw merchandize selling for the amount in currency, of what it cost in sterling, would run no risk in saying that the duty was not paid by the purchaser, whoever else might pay it.

Indirect taxes, he said, fell very heavy upon persons who lived upon the interest of money, or upon salaries; because though they were continually taxed by advances of duties, their incomes remained the same. On that ground, Mr. S. said, they had lately had many applications from their officers for advances of salary.

Such a system, Mr. S. said, was a proper part, but not a complete revenue system. In all governments land tax and imposts were introduced as proper companions; but here all depended upon impost, which was liable at all times to be cut off. No gentleman had said any thing in answer to that objection. Nothing could be said against the truth of that position. How very possible was it, he said, that they might hear in the spring, of the *William Penn*, the *Adriana*, and other ships, being taken, instead of coming into our port. And if such a thing should happen, it would be hundreds of thousands of dollars lost to our revenue. Was it not necessary, then, to be provided against any misfortune which might happen? Or would gentlemen have the treasury to stop payment in case of such an event? And he would ask gentlemen at what rate they would insure the arrival of these vessels? He believed the price would be high.

The plan, therefore, of the gentleman from S. Carolina, (Mr. Harper) held out a vain dependance, when he rested it upon an advance of imposts. And what could be thought of a window-tax? The most odious tax in Great Britain, and a tax that would be highly deprecated in this country. Indeed he could remember the time, when it would not have been very safe for a person to have proposed a stamp-tax, a hearth-tax, or a window tax! An hearth-tax and a window-tax were the most slavish of taxes. What! said he, shall one man enter our houses and count and tax our hearths, and another come and peep and examine into our windows? God forbid! The injustice of such taxes was not greater than their hateful nature, since a rich man by no means paid his proportion of them.

When such objects were brought forward as substitutes for a tax on land, it was a pretty strong presumption in its favour.

How did the gentleman intend to convey his stamps to all parts of the Union? How would such a tax affect the farmer who might have many miles to ride for a stamp before he could give a note or take a receipt. The objection formerly made to a stamp tax, it had been said, was because it was about to be enforced by a foreign government; he did not think that was the whole objection. He believed the thing was objectionable on account of its inequality. In Britain, it was productive; in Philadelphia and other large towns, it would also be productive; but could not be extended with convenience over the states of Kentucky and Tennessee. It would either be evaded or oppressive.

By an additional duty on salt, would not the poor man be affected in a much greater proportion than the rich? He certainly would, since some poor families used as much salt as a rich one; and would not such a tax tempt the farmer to give a less quantity to his cattle than was necessary for them? And were landed gentlemen certain that such a tax would be more acceptable to farmers than a land tax? He did not know whether the additional duty might not also encourage smuggling.

Gentlemen had said, that whenever peace should take place in Europe, great emigrations would take place to this country, and great wealth would be brought in. He believed if any thing would draw persons from foreign countries to this, it would be a prospect of enjoying liberty, under wise and equal laws. He believed it would not be the most effectual way of inviting Irishmen to this country, to tell them we had a hearth-tax, or Englishmen by speaking to them of a window-tax, or the people of France by a salt-tax! It was the greatest recommendation of a tax that it fell equally on property; and whatever tax did so, he said, was a good tax.

He still asserted that if a land tax had been laid long ago, it would have been of infinite service to the country, as it would probably have prevented some ruinous financial systems from taking place. It was with public bodies as with individuals, the more easy they get money, the more liberally they spend it. It was therefore, a happy circumstance for this country that they could no longer borrow money. When they were called upon for a loan of 300,000 dollars for the federal city, if it had been to be raised from the land, it would not have been so easily granted. This land tax would operate as a new spring in favour of government; it would awaken the atten-

tion of the farmer to its operations; to enquire of the why and the wherefore; in business of treaties, when money was to be granted, the farmer would be in favour of the treaties only in proportion as he chose to pay the tax on his land. It was easy to grant money, but when it came to be paid then every gentleman wished to put it off from his own shoulders, one wished it to be raised from land; another from wine; another from hearths or windows; or any thing so that it did not affect him or his constituents in any sensible degree.—This was the reason he was glad they were brought to the necessity of providing money before they could dispose of it. They had this session had some noble plans on foot; they had heard something of a national university, of relieving the sufferers at Savannah, &c. but now there was a call for money, every one wished to put off the demand from himself upon his neighbour.

Mr. S. said he regretted the necessity of calling upon the farmer; but he believed it necessary. When gentlemen stated the poverty and industry of that class of citizens, he felt as much for them, and had as much zeal for their interest; as any man; nor did he wish invidious distinctions to be drawn between the merchant and farmer. The merchant was an agent of the farmer; but the agent was in the worst situation, because his property was the first to be destroyed. He reads in his newspaper at home that the French, the English and the Algerines take our ships; but his corn and grass grow, and his dollars are safe. He could come down to congress and talk very coolly about laying additional duties on commerce; but if his land was mentioned as a fit object of taxation, he immediately took the alarm. He thought landed gentlemen should be inclined rather to sympathize with the merchants in their embarrassments; and if they were not led by more generous motives to do this, even interest should lead them to it since they would be the last to be devoured.

Let all ranks, then, said Mr. S. in conclusion, unite in putting their shoulders to the wheels of government; and since commerce pays her five millions, let agriculture pay its something; this would shew a real attachment to our country. He had heard much said about federalism and friends of government; he thought those would shew themselves the truest federalists; and friends of government, who stepped forward in aid of the necessities. He trusted Gentlemen would suffer their immediate interest to give way, in order

to have the finances of the country fixed upon a foundation which could not be moved. He concluded in these words. "We shall never make our government respected either in Paris or in London, till we are able to say to them that our revenue like our wealth lies in our farms."

Mr. Harper said, he should not have risen a second time, if he had not been prevented by the lateness of the hour when he before addressed the committee, from mentioning a few things which he thought necessary to be noticed. He should not, he said, trouble the committee with a recapitulation of any thing he had before said; nor should he answer any objections which had been made to his plan. That would be more proper at another time, if any should be made which he might think it necessary to attend to.

He had stated a variety of objects which would produce larger sums,—more than was now called for. He had also shewn that the duty had greatly increased; and that notwithstanding the additional duty which had in the interim been laid, the increase of duty proved the augmentation of the consumption to have been very considerable. He said that the principle duties laid on foreign, are collected from the $7\frac{1}{2}$, 10, and 15 per cent imposts. An augmentation he said, had taken place in 1792 and 1794 by which most of the articles in the $7\frac{1}{2}$ per cent class were transferred to the 10 per cent, that of the 10 to $12\frac{1}{2}$ and 15 and much of the 15 to 20. Yet the 10, $12\frac{1}{2}$ and 15 per cent classes were very much augmented in their use between the years 1792 and 1795. The $7\frac{1}{2}$ were productive of large revenue. Mr. H. here went considerably into a statement before made, of which we have already given a sketch, observing that from the great increase of the quantity imported, it might fairly be presumed that it did not fall heavy, and of course would allow an additional augmentation, without injury to the people, or encouragement of smuggling; it was a proof he said, that they had not arrived at the point to which they could safely go. He did not mean to present a perfect system, he knew it was liable to objections; but it was merely to bring into view a system of indirect taxes. If in the article of salt they chose not to put 12 cents per bushel, which he stated would produce 317,000 dollars they were to put only 4 cents, it would produce 100,000 dollars. Brown Sugar, he said, was a superfluity and luxury in life and on what could a tax more properly be put, especially as it would ensure a

good revenue; If the tax on salt was to remain as at present, and a quarter cent a pound on brown sugar, a good revenue would remain. Strike out Wine and Bohea Tea, Stamps and Window or Hearth, and 900,000 dollars would remain as an augmentation.

Mr. Harper said, the objections which had been urged against indirect taxes, proved too much; they proved that they should be taken off altogether from commerce, and laid wholly on land; for if the proposed tax were to be laid on land, there would still remain five millions dependent on commerce, which would not be less liable to destruction.

The duties which he proposed to lay, Mr. Harper said, would be very easily hereafter transferred. A system of direct taxation might be organized; but in the nature of experiment; and as it was uncertain, a great part of the revenue should not rest upon it; but if at any time commerce was operated upon, a part of the duty might be transferred. They had been told, he said, that our revenue might be in danger from the French or English; but, he would ask if we had not been pillaged by the English, by the French, and by the Algerines? Yet, under all these circumstances, the revenue had increased. He believed a direct war could not have a worse effect; for then, probably, their property would only be destroyed by one power. Why, then, he said, were they told of the uncertainty of our revenue? besides, they were in the situation, and how could they be got out of it?

It did not require the learning and ingenuity of the gentleman from Pennsylvania to tell them the merchant did not pay the revenue. The people were the payers. The merchant got an advantage by the tax, on account of which he enhanced the price of his goods. Commerce received new vigour and spirit from this tax. He hoped, therefore, they should not resort to a tax so inconvenient and impracticable as a land tax, until they had examined the subject a little more, because he saw sources from which the money might be drawn in a manner more equally.

As to the necessity of additional revenue, no statements were necessary to prove that. The gentleman from Massachusetts had shewn how they might deduct about 100,000 dollars; but what was this if it could be saved? The necessity was admitted on all hands, except by that gentleman.

Mr. Harper said, if the plan which he had in view, should not have the effect, he would join hand and heart with those

who wished direct taxes. He wished to see them large; he wished to pay the debt, because it was a continual subject of anathema. He would go to two millions of dollars, if necessary, and some share of it might go towards the public debt; not that he thought it more heavy upon them, but because a subject of discontent, cavil and invective.

Mr. Gallatin said, the gentleman from Maryland (Mr. Varnum) had stated to them that there was no necessity for laying a revenue equal to what had been contemplated. The gentleman from South Carolina, just sat down, on the contrary, had told them there was a necessity to the greatest extent. Yet, he said, if they were to draw any deductions from his calculations, they would be that there was no want of further revenue; as the document upon which he had grounded his arguments, was a statement exhibiting the amounts of drawbacks paid upon the dutiable articles exported from the United States in 1793, 1794 and 1795, in which was stated, in one column, the amount of duties received, and in the next, the amount of the drawbacks paid: for instance, take the addition of 1795, viz. the amount received in 1794, and it will be found 8,583,382 dollars; if this were really so, instead of being about six millions, as estimated by the secretary of the treasury, it was clear they needed not go into a calculation about raising fresh revenue.

The fact was, Mr. Gallatin said, he believed the gentleman from South Carolina (Mr. Harper) had not sufficiently attended to the statement in question. The amount of duties there stated, though duties receivable, were duties accredited, and not duties actually received, upon goods imported.

We know also, said Mr. Gallatin, that the amount of revenue, as stated by the gentleman from New Jersey (Mr. Henderson) was eight millions; but liable to great drawbacks, both on West-India and English goods.

Mr. Gallatin said he did not mean to follow the gentleman from South Carolina (Mr. Harper) into any of the details which he had stated, respecting the revenue arising from imposts; for though he believed him altogether mistaken in them, yet the principles were the same. The question was, whether the revenue wanted should be raised by advancing the duty on imposts, or by a direct tax.

It was necessary, however, before he proceeded any further, to notice what had fallen from the gentleman from Massachusetts (Mr. Varnum) as far as related to the actual revenue and expenditure. He agreed with that gentleman

that the revenue was stated too low, and the expenditure too high, by the secretary of the treasury, on two articles, viz. upon goods imported, and the military establishment. In his report on the subject of direct taxation, he had calculated the receipts of the revenue to the 31st December, 1795. The ground upon which the gentleman from Massachusetts went, was to calculate the revenue for 1796; and it was true, that the receipts for that year had considerably increased the former; but the only question was, which was the best ground for a permanent calculation? It was difficult to determine; but, he believed, in general, there was no reason to believe that the highest calculation would be the real revenue when a peace took place in Europe.

The gentleman from South Carolina had even supposed a war could not affect our imports; he would leave him in the happy idea; but Mr. Gallatin said, he was not afraid of war, he hoped most ardently for a state of peace, which he doubted not would take place, and when it did take place, the consequence would be a reduction of our revenue. The slightest inspection of the document he had mentioned, would shew that the high price of our exports, the quantity of European importations, and the great amount of West-India productions, were the causes of the high receipts at the custom-house. And the moment a peace took place, there would be a failure in the exports, we should be deprived of the West-India carrying trade, and if our exports were less, our imports must also be less. In consequence of the wealth brought into this country by the European war, we had been enabled to consume an extraordinary quantity of these productions; but the moment a peace took place, a certain devaluation in our revenue will be the consequence. To what amount this might be, no one could tell.

On this ground, Mr. Gallatin said, it was more prudent to take the lowest than the highest calculation; and he thought the secretary of the treasury had done his duty as a public officer by so acting. He was right in taking 1795 instead of 1796; because taking the amount as a permanent revenue, it was the best ground. It was true, there was another item which the secretary had stated, which he did not take for granted. He had put down the military and naval establishment two millions. He thought that sum might be reduced 600,000 dollars; for his own share, he had no objection to make it much lower still, when making a calculation of that kind, it must be made upon the then

establishment, which was 1,500,000 dollars. He thought, therefore, that the secretary of the treasury might have calculated about 500,000 dollars less, which would have reduced the sum wanted in additional revenue from 1,288,798 dollars to 728,796 dollars.

Mr. Gallatin said he would go farther and say, that calculate the revenue as they pleased, it would be equal to our present current expenses, and it would be so until the year 1800; but in 1801, additional revenue must be had. It was not for current expenses, but to pay the principal of a debt loaned in Holland, and anticipations which had been obtained from the banks. Experience had told them there was now no more loans to be got. It was therefore necessary to provide for the instalments of the foreign debt which would then fall due, for which no provision was made.

If it were proper to increase the revenue at the present time, 800,000 dollars were sufficient; still, if an increase was necessary, it was right to have an eye to what would hereafter be wanted. This brought them back to the question, how shall the money be raised, by indirect or direct taxes?

It would be well to observe, that gentlemen opposed to direct taxation, in recommending a system of indirect taxes, had confused their plans by direct taxes also. The stamp duty, he allowed, was an indirect tax; but a window tax was certainly not so. He would confine, however, his observations to indirect, as contrasted with direct taxes.

If he had information before him, that there would be no danger of embarrassing trade, or increasing smuggling, by doing so, he should have no objection to a moderate increase of the duty on goods imported. He believed the impost duty the best adapted to this country; but he must confess he had not that information which would enable him to draw this conclusion. The gentleman from South Carolina had, however, not only determined upon the propriety of the addition, but also the sum it would raise. He himself had no documents for coming to these conclusions.

The most powerful objection which had been urged against direct taxes, was the difficulty of collecting the money. He believed this difficulty existed at present also in sea-ports. This difficulty of collecting money in the country was not applicable to a direct tax only, but to all others; but, he said, in the present situation of our cities, he believed there was not more difficulty in collecting money in the country than in cities.

As to the manner in which such a tax could fall, it would, like others, fall upon the people. He did not mean to take notice of what had been said about the mode of assessment; that was a matter of detail not at present before them. This, he said he knew, from the experience of this state, that the difficulties attending such a system would be infinitely less than had been stated by the gentleman from South Carolina. The expence of collecting a tax thus drawn from the people was simply that of assessing and collecting; but to an indirect tax, were to be added the profits which the merchant never failed to lay upon the tax, and this profit operated as an additional tax upon the people.

In Pennsylvania, he said, where yearly assessments were made (and not once in three years as was said by the secretary of the treasury in his report) the expence was not more than $7\frac{1}{2}$ per cent. If, upon full examination of the subject, it was found impossible to raise the imposts, and if they rejected a tax upon land, he did not see what object they could apply, except to a tax on salt. This, he allowed, would be easily collected, and easily resorted to. Nearly three millions of bushels were imported annually, 500,000 of which, he supposed were employed in salting provisions. Lay what duty they would upon this article it must be paid. There could be no doubt as to the productiveness of such a tax; but was there not some as to the propriety of it? And when they were told a tax upon land would fall upon farmers, he would ask upon whom a tax on salt would fall? It was consumed by men or by cattle. When it was consumed by men, it would fall upon them in proportion to their numbers. If there was any difference it would fall heaviest on the poorer class; particularly upon the farmer, as much the largest quantity was consumed by them. So far as salt was consumed by men, the tax would operate as a poll tax, according to numbers, and not to wealth. But was a tax that would fall upon cattle to be encouraged in this country? Indeed there was not much difference between the salt's being consumed by the farmer or by his stock, and the gentleman from South Carolina was not less mistaken about the quantity of salt given to cattle than about some other things. What would be the effect? It would either raise the price of cattle, or the quantity of salt now used, would be diminished. If a reduction in quantity was to be the consequence, no effect could be more pernicious; and if it were not to have that effect, but to increase the price of cattle, would

there be much justice or policy in adopting any measure which should have the effect to advance the price of butcher's meat, or to decrease the export of cattle, which was the only export from this country, which was at present upon the increase—an export which had within the last six years been doubled.

Again, that tax, he said, would not only fall equally upon the people, but also upon different districts of country. He would say that if he were to chuse between a tax on salt or one on land, he should certainly prefer the latter, since the inhabitants of his district would be four times more affected by one than the other; because being very remote from market, their land is of course of incomparatively small value, but they use more salt than persons living nearer the shore, and would consequently pay twice as much according to their numbers as persons nearer to the market, while in a land tax, they would only pay one half, in proportion to their number; because their land was of less value in proportion to that of an equal number, of persons living near to sea ports.

Nor was this all; he looked upon a tax on salt of so unequal a nature, that there was scarcely any tax which he would not sooner agree to. You may, said he, lay burdens upon people to a certain amount, and they will be borne; but the moment you add to them, you overset the whole. In parts very remote from the sea, salt was at an enormous price. It might be said the increase of a few cents could not be much; but it would, and if it were increased ever so little, it would be impossible to pay it.

Having made these observations on salt, he would readily agree with gentlemen that a direct tax was not a very agreeable thing. He felt himself, and he knew his constituents would feel, that it was worse than no tax at all; but, he believed, except the impost on some articles could be advanced, they had no resource but in direct taxes.

If they find a tax on salt, or upon stamps (a most odious thing) cannot be laid, they must have recourse to a direct tax; and if it could be done with propriety it should be done.

He would notice only one remark which fell from the gentleman from New Jersey (Mr. Henderson.) He mentioned three articles upon which additional impost might be laid, viz. clocks, watches and tea. He said he ought to have credit for his ingenuity; since those were three articles which

were more smuggled into the United States than any other, and the duty upon which, on that account, it had been contemplated to lower. He had also mentioned the sale of public land. He believed no great expectations could be had from that quarter, as no townships were expected at present to be sold. Besides if money should arise from the sale of land, it could not go to pay the eight per cents. They must be paid out of the revenue. On reference to the act, this would be seen.

Mr. G. concluded by saying, he did not mean at present to enter more into the subject of direct taxation, as what he had heard against the system was of so trifling a nature as not to deserve particular notice.

Mr. Muhlenberg, from the committee to whom it was referred to report whether any and what additional standing rules were necessary to be added to those already adopted, reported the following: "that every member presenting a petition or memorial, shall state its contents, and if it appear in substance the same as has been already decided upon by the house, it shall not be received, except new matter of fact appear therein."

A bill was received from the senate, for giving force and effect to the laws of the United States in the state of Tennessee, which was twice read and ordered to be committed to a committee of the whole. Adjourned.

Tuesday, January 17.

Mr. R. Sprigg presented a petition from Samuel Green, deputy post-master of Annapolis, praying for an increase of salary.—Referred to the committee of the whole on the subject of post-offices and post-roads.

Mr. Hancock presented the petition of Griffin Griffiths, a soldier in the last war, praying for compensation. Referred to the committee of claims.

Mr. D. Foster from the committee of claims to whom was referred the petition of the Widow of the Scolacuttaw, an Indian Chief, made a report which was referred to the committee of the whole with that of James Ore.

Mr. A. Jackson, reported from the special committee, on the petition of H. L. White. Ordered to be committed to a committee of the whole on Monday next.

Mr. Madison moved that the house should resolve itself into a committee of the whole on the Algerine business, for

which purpose he supposed it would be necessary to clear the house and galleries. They were accordingly cleared, and the business occupied the house for the remainder of the sitting.

Wednesday, January 18.

Mr. Coit presented a petition from Winthrop Saltonstall of Connecticut, who had a certificate, granted by Congress, with other property, destroyed by fire in 1781, praying a renewal of the same.

Mr. Findley presented a petition from Andrew Finley and others of Pennsylvania, praying compensation for property furnished to, and destroyed by the militia in the western expedition in 1794.

Mr. Rutherford presented a petition from William Bush, of Winchester, for recompense on account of a lost certificate.

Mr. Livingston presented a petition from Catharine Metcalf, for recompense for a loss of property in the late war ; and

Mr. Malbone the petition of Sarah Fenton, widow of Joseph Fenton, a lieutenant in the late war ; all which were referred to the committee of claims.

Mr. D. Foster from the committee of claims reported on the petitions of Walter Cruise, Elisha Frizell, Edward Goddard, Ebenezer Kent, John Loehman, Henry Meyer, John Nixon, and Caleb Worley, with a resolution that they ought not to be granted, and that they severally have leave to withdraw the same ; to which the house concurred.

Mr. Henderson moved that the report made on Monday respecting an additional rule being added to the standing rules of the house, be referred to a committee of the whole. The motion was negatived.

Mr. Ames moved, that so much of a report of the secretary of war, as related to the petition of Michael Jackson, be referred to the committee of claims to report by bill or otherwise.

Mr. Swanwick, from the committee of commerce and manufactures to whom was recommitteed a report on the subject of kidnapping negroes and mulattoes, made another report on that business, recommending a resolution to the following effect, viz. "that it is not expedient for this house to interfere with any existing law of the states on this subject."

Mr. Swanwick observed that this report was contrary to his opinion on the business; but as the committee had been pretty unanimous in their opinion of the propriety of thus reporting, he should not object to its being concurred in.

Mr. Hartley thought the subject important, and such as ought not to be decided upon immediately.

Mr. Gallatin moved that the report should be committed to a committee of the whole, and Mr. Sitgreaves seconded the motion. It was accordingly committed to a committee of the whole on Wednesday next.

Mr. Swanwick, from the same committee, also made reports on the petitions of William Pinchin and Andrew M'Farlane. The former prayed for the interference of Congress in a claim which he professed to have against the collector of this port. On this the committee reported, "that it did not appear from evidence that the petitioner had any claim on the collector, although if he had had any such, a court of law would have been a proper tribunal for redress, and that therefore he have leave to withdraw his petition."

Andrew M'Farlane had formerly carried on a trade to Canada, and now prayed for certain draw-backs on rum which he might export into the western country; the committee reported, "that any provision of this kind would be dangerous to the revenue, and that therefore the petitioner have leave to withdraw his petition." The house concurred in these reports.

The house went into a committee of the whole on the subject of further revenue.

Mr. Dent in the chair.

Mr. Williams said, he could have wished that the motion for postponing this business had succeeded, in order that the house might have gone into a committee of the whole on the report respecting the military establishment, in order that it might have been ascertained whether certain deductions which were contemplated would not take place. He trusted they would, which together with certain deductions from the naval establishment, would considerably reduce the sum proposed to be raised by a direct tax. He thought, therefore, it had been better to have gone into the subject of appropriations before they came to a conclusion on the present business. For his own part, he said, whatever sum might be wanted, it was his opinion that it would be best to raise it by indirect taxes; since he could not consent to go into a system of direct taxation, until indirect taxes should be ex-

hausted. But he believed if the present revenue was not diminished by unforeseen difficulties, it would prove equal to all the demands which might come against it. This being the case, it was only necessary for them to organize a direct tax, in order to have it ready to be resorted to in case of necessity; and in that case our citizens would meet it with cheerfulness: he was confident that our government could be supported by direct taxes, and he wished to convince other powers that this was the case. He despised cringing to any nation. Let them, said he, interrupt our commerce, yet on our own ground, we can defend ourselves.

It appeared to him that a deduction might be made from the naval department of 218,120 dollars, which was the estimate for seamen, since, the vessels were not built, nor would they be for this year. In the report of the committee to whom it was referred to inquire whether any and what amendments were necessary in the act for the military establishment, it was to be recommended to strike out the dragoons, and to add eight privates to the infantry; but he thought these would not be wanted in the peace establishment; there would therefore be a deduction of the dragoons. There might also be great deductions in the commissary's department, so that in the military and naval departments there might be a deduction of from 6 to 800,000 dollars, probably more; and if so, a small sum would only be wanting. But, if it should be supposed otherwise, then it would be necessary to cast about for the best means of raising the money. He believed the mode proposed by the gentleman from South Carolina (Mr. Harper) for an increase to certain of the impost duties would be the best. A considerable augmentation might be made to the present revenue from foreign spirits imported. It would not, he supposed, be proper to augment the impost duty, because it might lead to smuggling, but an additional duty might be raised from it by way of excise.

The present system of excise on wine and spirits, he said, was unequal, and only one-fourth part so productive as it might be. And indeed if by an increase of duty only one-third of the quantity should be used, the health and morals of the people would be less injured. At present, he said, it was notorious, that many of the Europeans coming into this country, and finding spirits at so low a price, fell into the immoderate use of them, and thereby rendered themselves incapable of being useful as artisans or farmers. Any tax,

therefore, which would have a tendency to prevent this excess, would not only benefit the revenue but preserve the morals of the people. Mr. W. had it from the best authority, he said, that in the last war, one of the best British regiments, lying at Albany, though when they came there they were a sober and discreet set of men, by reason of their being able to get spirits at a very low price, they could not refrain from the use of them, and became mere sots.

The present mode of collecting the duty on foreign spirits was unequal, because five dollars were paid for a license to authorize a person to sell spirits and the like sum for wine, and one who sold only 30 gallons in a year, paid as much as he who sold 50 times as much. This license, he said, laid hard upon the lower class of people in the country; because, in the interior of the country, a retailer may not sell more than 30 gallons a year, which would be mostly used by sick persons, and consequently the tax fell very unequally; but if persons were to pay in proportion to the quantity sold, the produce, which at present was 58,000 dollars, might be increased to three or four times as much.

It had been supposed that an additional duty might be raised on salt; but, as it had been justly stated by the gentleman from Pennsylvania (Mr. Gallatin) it was necessary to act with caution in taxing that article, because it would fall very unequally. As far as it was used by man, it would operate as a poll-tax; but with respect to cattle, the farther they were removed from the sea coast, the more salt was necessary to be given to them. The farmer near the sea coast used no salt for his cattle; but those in the remote parts of the Union were obliged to use considerable quantities at a very high price; an additional duty on salt would therefore be more burdensome to farmers in general than would be a land tax. The only recommendation which a duty on this article would have, it would be certain; but, as it operated so unequally, this tax ought not to be gone into, or at least no great augmentation should be made. If a land tax was not agreed to, however, a small addition might be made to the present duty.

Admitting that the plan proposed by the gentleman from South Carolina, of additional imposts be the best, the committee of ways and means might be left to judge upon what articles an increase of duty would be most proper.—He should wish it to be made chiefly upon articles of luxury

and expenſe, but would leave any calculation upon the ſubject to the committee of ways and means.

He underſtood 60,000 dollars had been received for lands ſold agreeably to the act of laſt ſeſſion, if that act had allowed the apportionment of the land in ſmall lots as was then ſuggeſted, much more of it would have been ſold ; as the opinion of the majority had however been found to be wrong, he truſted it would be remedied this ſeſſion, that the ſales might go on again, and that ſome very conſiderable ſupport might be had from that quarter.

In levying taxes, he ſaid, we ought to have two objects in view, viz. the ſtrength and wealth of our nation ; as to the ſtrength of our nation, it was derived from the number of its inhabitants ; its wealth from the ſurplus produced by agriculture. They ſhould, therefore, be eſpecially careful how they made infringements on agriculture.

Hiſtory, Mr. W. ſaid, informed them of the annihilation of nations by means of direct taxation. He referred gentlemen to the ſituation of the Roman empire in its innocence, and aſked them whether they had any direct taxes ? No ; indirect taxes, and taxes upon luxuries and ſpices from the Indies were their ſources of revenue ; but, as ſoon as they changed their ſyſtem to direct taxation, it operated to their ruin ; their children were ſold for ſlaves, and the empire fell from its ſplendour. Shall we then follow this ſyſtem ? He truſted not.

Mr. W. ſaid, notwithstanding his objections to direct taxes being adopted at the preſent time, he had no objection to the organization of a plan which might be reſorted to, in caſe of any unforeſeen embarraſſments befalling our commerce.

They ought to conſider, he ſaid, that the conſtitution of the United States guaranteed to each individual ſtate a republican form of government. Some of thoſe governments, were ſupported by direct taxes, and the reaſon was obvious, they had no other means of raiſing the money.

This being the caſe, and the conſtitution of the United States having guaranteed that right now, he aſked, were thoſe ſtates who ſupported their governments by direct taxes at preſent, to answer the demands of both claims upon their lands ?

A tax on land, Mr. W. ſaid, muſt be very unequal ; becauſe there was no way of reaching the monied men, who lived in great cities, and though large holders of land, their land was in the hands of their tenants, who muſt pay the tax. There would not be leſs than fifty millions of property

which would escape a tax of this kind. The tax would, therefore, be unequal ; and he knew no way of coming at monied men, unless, as in some of the states, men should be obliged to come forward and swear to the sums of money they had on interest ; but this, he said, was multiplying oaths to no effect.

Besides, Mr. W. said, our country was so situated, that there was great difficulty in getting a land tax with any certainty, in the state of Delaware, Rhode Island, Connecticut, and great part of New-Jersey, it might be got at valuation ; but in other parts it operated very unequally. Nor did he agree with the gentleman from Pennsylvania (Mr. Swanwick) that the land tax in England did not operate equally. The land tax there was laid by valuation ; it was true that it was estimated in the Domesday Book ; but, though it was unequal at first, it had been remedied by time, because when land was transferred from one hand to another, it was bought according to the high or low price at which it was taxed. If it was valued high, it sold proportionably low, and if low, high in proportion ; but, in a new country, like ours, he said, it was impossible to lay a land tax with any degree of accuracy. In European countries, he said, the commonality did not hold land. It was in few hands ; but was this the case here ? Or was it wished to be so ? Here, he said, the community at large held land. Every man, comparatively speaking, held his farm ; or if they found a difficulty in getting it, they went back into the country and assisted in clearing fresh land. Nor ought this desire of possessing land to be checked.

Another thing, he said, they ought not to lay a tax that one citizen should live upon another. Although the gentleman from Pennsylvania (Mr. Gallatin) supposed it would not cost more than seven and an half per cent. he believed it would cost more than thirty per cent. and if so, the public officers live upon those people who pay the tax.

Mr. W. said it was notorious that we had already too many officers. Let any gentleman take up Neckar on the finances of France, and it would be found that there were more officers in this government than in France, in proportion to the number of its inhabitants, before the revolution. He hoped, therefore, they would not be increased. Besides, in thus creating officers, the frugality and economy of a republican government was in a great degree destroyed.

But it was said by mercantile gentlemen, that the farmer did not pay his proportion of taxes. Very few observations, he thought, would prove this. The common farmer, he said,

paid a tax according to his crop; if he had but an indifferent crop, he bought but little merchandize; but if he had a good crop, he parted with his money freely. Sometimes, indeed, they got credit from the merchant, upon the prospect of a good crop, and, if they were disappointed, distress and ruin were sometimes the consequence.

It was well observed by the gentleman from Pennsylvania (Mr. Gallatin) that the only difficulty there was in collecting taxes from farmers was owing to the want of circulating medium. The common farmer, he observed, had little to do with money, he lived mostly by bartering one thing for another. A common mechanic in town had more money through his hands than a farmer in the country.

But said the gentlemen from Pennsylvania (Mr. Swanwick) the farmers are becoming rich. Suppose they are, were not persons in cities also growing rich? Did lands in the country, he asked, rise equally with lots in the city? Did the rents of farmers increase with the houses in the city? He believed not, but the advantage was in favour of cities. He would ask how many farms in the country let for a sum equal to that gentleman's hotel and circus over the way, viz. 5000. a year? That gentleman had charged gentlemen with voting away money for the Federal City and other purposes, with unconcern, because the money was raised from commerce; but, he would ask whether the farmers voted for building frigates, and what his observations were when voting for a naval armament, a treaty with Algiers, &c. These were not for the interest of the farmer, and still there was no difficulty in raising money for these purposes. The next view that gentleman took was on the banks of the Hudson, to see the farmers there sit at their ease, whilst the poor merchant could not sleep for fear of his property at sea. If that gentleman was fond of a rural life, he said, he should be glad if he would come and live beside him. It might add value to their country. He had no objection to his enjoying his pleasure in the way he liked best, and he hoped he would permit them to enjoy theirs, which he believed equal to any thing which could be found in all the luxuries of a city.

It had been said that it could not be supposed that a farmer paid any part of the duty of goods sold by auction. If the merchant, he said, made bad calculations, and ordered more goods than he could dispose of, was the farmer to be injured, because of this folly? The farmer sometimes miscalculated as well as the merchant, and was sometimes obliged to sell the

whole of his produce, and his farm too to pay his debt. But would gentlemen say that merchants had not gone on wrong principles, and instead of making their remittances in proper time, had gone into land speculations, and some of them having gone into the carrying of contraband articles, had from step to step augmented our difficulties.

Merchants, he said, should follow their true interests, and then they would not be embarrassed and obliged to send their goods to vendue to make good their payments at the banks; but if they would not attend to their business, could the farmer help it? For his own part, he viewed all these matters as tending to one point; things would by and by find their level. The merchant would find his true interest; the country was growing rich; luxury and dissipation, he believed, had out-run population; but, he expected things would soon remedy themselves.

He was willing that the system of direct taxation should be brought forward, and organized, that at a proper time it might be carried into effect.

He thought differently from the gentleman from Pennsylvania with respect to the effect of a land tax on emigration. The fertility and salubrity of the climate were such as to tempt people to come to this country, but a land tax would rather deter, than encourage emigration. Mr. W. wished to encourage commerce as far as was consistent; but not so as to injure agriculture. The wealth of this country, he said, arose from agriculture; it was from the surplusage of agriculture that all our importations, and consequently the imposts were paid for. Should they then check it? It was from agriculture and rural life that population was increased: from agriculture, the militia, the bulwark of our nation, was supported; and whilst it furnished freight for our own vessels and those of foreign countries, (the fisheries excepted) should they check it? He thought not. He hoped, therefore, they should do nothing more at present than organize the system. This being done, we can have recourse thereto, in case our commerce should be interrupted, or indirect taxation be found insufficient.

Mr. Craik said he should not follow gentlemen through all the arguments used on this occasion; because he thought a greater part of them inapplicable. He believed the question before them was one of the most important which had been agitated in that house since the adoption of the present go-

vernment. And however gentlemen had attempted by the course of their arguments to divert the attention of the committee from it, he hoped they would not succeed. He trusted the ingenious calculations of the gentleman from Massachusetts (Mr. Varnum,) intended to lead the committee to believe that instead of improving the revenue, they might look out for objects of expense, as the revenue was more than sufficient to defray the current expenses, would have little effect. And when told by the gentleman from New-Jersey (Mr. Henderson) that it would be a subject of great irritation; that it was an unpopular question; that the public was not ready for it; it was enough to alarm the house; but he trusted such insinuations would have no influence upon the decision of the question.

He thought the good sense and understanding of the house, exercised upon the materials before them, would point out the necessity of entering fully into the present business. There could be little doubt, he said, that revenue was really wanted. He believed that the incorrect statement of the gentleman from Massachusetts (Mr. Varnum) had been sufficiently exposed by the gentleman from Pennsylvania (Mr. Gallatin). The only organized system grounded upon an opinion that revenue was wanting, was that which had been introduced by the gentleman from South-Carolina (Mr. Harper) and he thought, from the principles contained in that plan, the question before them had a strong claim to attention. He believed that resolution went to establish the principle of necessity to go into the plan proposed by the present report.

The observations which had been made on the present question, went more to the quantum of revenue, than to the principle itself. When they were told they were not to meet the present proposition because it would be unpopular; because viewed as an engine of government—an unwieldy machine in the hands of government, not to be brought into operation. Such expressions might create alarm; but it was necessary to see how they were founded.

Mr. Craik said, when he looked at the situation of the revenue, and saw the reliance which was placed on foreign resources, he was convinced of the necessity of adopting the present measure; and when he reflected on the motion for putting off the present question, by means of extending the indirect taxes, he was disposed to apologize for the present system of revenue laws. He believed they owed their origin to existing circumstances. When the present federal govern-

ment was erected, it was considered in the nature of an experiment ; it went into operation with fear and hope ; many were opposed to it ; and it might be considered wise and politic at the time, that the people should have an opportunity afforded to examine the system, and that nothing should be proposed to them of an irritating nature, but that every thing should be carried on in as easy a manner as possible. It was probably on this account that a system of direct taxes was not proposed to the people at an earlier period.

He believed that it was a measure of policy, which could not be questioned, that every government ought to arrange its taxes, so that every man of property should pay his equal proportion of them. He believed that it was necessary for that purpose to have both a plan of direct and indirect taxation in operation at the same time, as when every man bore his proportion of the public expense it drew tighter the bands of connection between the people and the government. Was there, he asked, a gentleman in that house, whose observations did not furnish him with instances under the present system, of wealthy independent farmers, selling perhaps from a thousand to fifteen hundred bushels of wheat in a year, who were so insulated by their situation, their economy and frugality, as to make their own clothes, to eat their own produce, and to drink the juice of their own fruit, and who, therefore, pay nothing towards the expenses of government, except a few cents duty upon the salt used ? Was it, he asked, right and proper, that such a description of persons should be excused from bearing a portion of the public burthens ? He thought it was not. This afforded one reason, amongst many, in favour of originating direct taxes. But there were others more weighty. Was there a man who looked at the situation of our country, and saw the precarious foundation on which its finances stood, who did not tremble for the consequences ? It was not necessary, he said, to draw an imaginary picture, nor to excite alarm ; it was not necessary to go into calculations of what was probable ; to be respected abroad, it was necessary revenue should be firmly established. He believed it was the sinew of government, the oil which was to keep the wheels of it in motion.

He was afraid this view of the subject had not sufficiently engaged the attention of gentlemen. When he read the accounts in the public prints of the flagrant attacks made upon our commerce ; when he not only saw depredations and spoil-

ations committed, but actual hostilities threatened, he thought there was serious ground for alarm.

One of the strong objections to a direct tax, was, that we could not expect immediate revenue from that source ; but the force of this objection applied with equal strength to the adoption of any energetic measure. If it required time to mature this plan, it was necessary to begin it immediately, that it might be gradually prepared, and ready whenever necessity should impel them to have recourse to it ; for it would be presumption, and the height of folly, to suppose, we should always be exempt from what was the common lot of other nations. The propriety of the measure of increasing our revenue, had been agreed on all hands, however gentlemen differed about the mode of effecting it. It appeared to him essentially necessary to originate some plan of direct taxation to which they might resort. If it be admitted that such a plan is necessary, though not be carried into immediate effect, the present question ought to be agreed to.

If he understood the gentlemen from New-York, New-Jersey, and South-Carolina (Mr. Williams, Mr. Henderson, and Mr. Harper) all agreed, that further revenue was necessary, and two of the gentlemen were in favour of originating a plan of direct taxes. The question then resulted, to what object of direct taxation should they apply ? They were an agricultural people, and the great capital of the country was in land. If a direct tax then must be laid, land was the proper object for it. He considered that the farmers, notwithstanding their want of ready money, when compared with the inhabitants of cities, as possessed of great part of the wealth of the country, and that they ought therefore to pay their quota of the public taxes.

It might be necessary, Mr. Craik said, to examine some of the objections which had been made to this system. And here he would observe that gentlemen ought not to expect any thing like perfection in any scheme of taxation. Taxes were only a choice of evils ; they were unpleasant, but they were necessary. It had been objected against a direct tax, that it was unequal on account of variety of population, wealth and situation.—Gentlemen had not been satisfied with supposing that a bad plan might be adopted ; they had supposed the very worst to be entered into ; that the assessors to be appointed would be the basest of men ; but he trusted the committee who was charged with this business, would have the good sense to prepare such a plan as should be freed from many of the ob-

jections which had been brought against it. Mr. Craik differed in opinion from the gentleman from South-Carolina (Mr. Harper) that this tax would bear hardest upon the farmers far removed from the sea coast. He believed they would rather have the advantage than otherwise, from the low value put upon their lands. The expense of collection had been urged as an objection. He had been much surprized to hear gentlemen calculate that expense, one at fifteen and one at thirty per cent. He wondered that the general accuracy of those gentlemen should have suffered them to have wandered so much from the point on this occasion. He believed the estimate of the gentleman from Pennsylvania, (Mr. Gallatin) was a high one at seven and an half per cent. An objection of this kind was less applicable to land, than to taxes on any other species of property.

A tax on windows, or an hearth-tax, had been proposed as a substitute, which would in fact be nothing more than an house tax. He thought that such a tax was liable to every objection that could be made against a tax on land, and to great many others peculiar to themselves. Houses were an equivocal representation of property, and a tax on them would fall on some parts of the country much heavier than on others. Indeed it was susceptible of so many obvious objections, that they were not necessary to be detailed.

Mr. Craik said, he did not conceive it important to go into an inquiry how far it was prudent or politic to go into an extension of the imposts, as he had no authority on which to found his opinion; and he would caution gentlemen from being diverted from the question by an expectation of an increased revenue from thence. It had been proved very satisfactorily by the gentleman from Pennsylvania (Mr. Gallatin) that there was no certainty of an advance in the imposts. Upon a calculation of the duties paid upon goods from the East-Indies, West-Indies and Europe, they amounted at least to sixteen per cent. and were gentlemen prepared to say that even this duty might not prove a temptation to merchants to become smugglers.

Many would turn their speculations on this subject, if they had such prospect of success as any considerable duty would give them; it had been the case, he said, merchants were not to be considered a distinct order of beings: they were, at present, the treasurers of our taxes; if the revenue became too heavy, they would be induced to rob the nation of it.—However, he meant not to cast any reflections on gentle-

men in that calling ; he thought they were honest men, and deserving acknowledgements from the house : he wished to avoid throwing out a temptation.

The question was an abstract principle, and did not pledge gentlemen to this source of taxation only ; if others could be found more eligible, they might be applied to.

It would be proper in the first place to draw upon that source for considerable revenue. But that government may never want a resource, he would wish a system of direct taxation may be prepared, to which recourse may be had. He would be willing not to apply to it, if an increase of indirect tax would not be too burdensome, and he believed the gentleman who first introduced it would be the same. He wished the house to decide whether the power was vested in them. The situation of our affairs, in his view, imperiously demanded an increase of revenue : and our prospects were, of still greater demands.

He hoped, therefore, the committee would find no difficulty in agreeing to the proposition before them.

Mr. W. Lyman said, a land tax had always been considered as an impolitic tax. It would be well to inquire why this tax should have been so considered ; whether the whole world had erred in this case, or there was some natural cause for the opinion ? He thought there was good ground for the opinion. A tax on land was calling forth property before it was produced ; for, until land was cultivated, it produced nothing. To call for a tax in this way had also a tendency to discourage the cultivation of land.

Mr. L. said, he admitted that the consumer paid indirect taxes ; that they did not come from the merchant, but from the person who purchased the goods for consumption. Nor was it the persons who cultivated the ground who paid a direct tax on land ; but those who bought the produce of the land from the market. The consumer paid the duty in this case as well as the other.

The question, then, he said, was merely as to the best mode. There was another consideration. If, said he, you call for a direct tax on land, you call upon a class of people who perhaps have not money to discharge it. A man who possesses land, or who is the cultivator of it, may not have money, until he has sold his produce. To collect the tax in this way, was therefore tedious, circuitous, and uncertain. What was the case with respect to indirect taxes. In indirect taxes, or excise, the process, he said, was unerring and

certain. They were so much so, that an eminent writer on the subject had said, it was "pay the debt to government, or pay the debt to nature." The tax must be paid, or the person must cease to exist.

When he contemplated the subject in this point of view, and if he were right, that direct taxes were paid by the consumer as well as indirect taxes, he could not be at a loss what vote to give on the present occasion.

In whatever point of view he considered direct taxes, they could not, in his opinion, be compared with indirect taxes. It was true, that some indirect taxes, and all taxes in a greater or less degree, were unpopular; but this never happened but when they were pushed too far. An impost or an excise may be so excessive as to be incommodious; but this, he said, was not the nature of the tax.

This, he said, was not the case with a direct, or land tax. This, though ever so small, was paid unwillingly; a poll-tax was the same. And a man called upon to pay a poll-tax, did not ultimately pay the tax; for a poor man who earned only just sufficient for his existence, would cease to exist, if he were not to make a proportionable advance on his labour.

In what situation was government? It calls upon a man to pay a direct tax, perhaps unable to pay it. This mode, he said, was circuitous, unsafe, and not to be relied upon.

This reflection convinced him, that this country had chosen indirect taxes as the best possible mode. He thought it had made a wise choice. He knew very well that a case might be stated in which a direct tax would be necessary. A case might be supposed in which every thing might be put in requisition. But that was not the present question. In case of an invasion, or a war, it might be necessary both to put property and persons in a state of requisition. He would not pretend to say, that, in such a situation, direct taxes, or any other, would not be proper; but, in no other situation, could he think such a tax should be called for.

Some gentlemen, opposed to the adoption of a direct tax at present, were of opinion that they should at least agree upon a plan of direct taxation which might be ready in case of emergency. But he did not think such a proceeding necessary, or that it would answer any good purpose. He believed it would never be necessary to go into the business, except in an extreme case. He therefore did not think it worth while; for, however well a plan might now be laid, it might be unfit to be acted upon when it was wanted. Whoever

might compose the legislature at such a time, they would doubtless be able to determine what was necessary. He was not for anticipating legislation in that way.

Besides these general observations, which were applicable to all countries, there was one which applied particularly to the United States. If a direct tax was laid, it must be according to the last census. In this way the tax would fall very unequally ; for, it would be found that the population in some parts of the United States exceeded that of other parts in proportion to the extent of territory, and wealth and productiveness of soil. Wherever commerce had extended to a considerable degree, the landed interest would be taxed on account of the population which those improvements may have produced. Population, was, perhaps, as sure a mean of judging as any other, of the ability to pay, of any district ; but from the situation of the United States it was not, he said, a good criterion at present.

Coming from the state he did, he should be obliged, if he did not generally object to the system of direct taxation, to object to it on that account. He did not think a direct tax could comport with the interest of a populous state. If gentlemen thought such a tax would fall heavy or unequal in thinly inhabited states, he must give up his argument, but he did not believe this could be the case.

He might have said that direct taxes were individually unequal, unless upon the principle that consumers pay the duty. It was not in human wisdom to lay a direct tax equal. But it was said, that money must be had ; that there was a deficiency in the revenue, and therefore this tax must be laid.—Several gentlemen, he said, had proved that there might be considerable retrenchments made in the public expenditure ; perhaps enough to make the receipts equal to the expenditures. They had not yet determined how far the military and naval establishment might be curtailed, and several other articles of expense would admit of retrenchment. Besides, if that were not the case, and the sum in question must be raised, he thought there were certain articles of importation which would admit of a higher duty, and which would not only produce revenue, but operate as an encouragement of the manufactures of our own country.

It would be recollected, Mr. L. said, that petitions had been received from hat and glass manufacturers, and various others, praying for an augmentation of duty on those articles, as they found the present duty not a sufficient protection to

their manufactures. Indeed the manufactures of the United States were almost wholly abandoned. Those of glass and woollens, were abandoned ; those of cotton, which had progressed to some extent, had, in a considerable degree, been abandoned, and some others were likely to be so. For his part, he thought, if they had no other object in view than merely the protection of the manufactures of the United States, they should impose a higher duty on a number of articles. He had been informed from pretty good authority, that the importation of hats into this city alone, had last year exceeded 30,000*l.* sterling, and that porter had for the two last years exceeded any former importations. The importation of coal was also increasing. When it was considered that our own country furnished materials for these articles, policy and interest required that there should be a high duty upon them. These articles, he said, were also so bulky, as to run no risk of being smuggled ; if this were not the case, he knew that a revenue calculation might prove the reverse of a mathematical calculation ; for in a mathematical calculation 2 and 2 made 4, but in this revenue 4 and 4 would not make 2. But, when articles were sufficiently bulky, the duty might be increased to any height without danger of smuggling. Let the duty be what it would on porter, on coal, and almost on hats, there need be no fear of smuggling.

There was another article. He believed the duty on rum imported might be increased. It would have one of two good effects ; it would either produce more revenue, or less would be consumed.

Mr. L. said, he should, therefore vote against the principle, as it was not possible so to detail it as to comport with the interests of the country : besides, that it was not necessary to resort to this article of taxation, as the imposts and excise might be so regulated as to produce revenue sufficient.

The article of salt had been mentioned as a proper article for an additional duty. He knew it was productive ; but it could never be the interest of any country to tax salt ; he thought it the most oppressive that could be laid : this was truly a ministerial tax. He would not, therefore, be understood to say, that, in voting against a direct tax, he meant to vote for a tax on salt. He thought, indeed, that there were so many other articles which would admit of a higher duty, that there was no necessity for resorting to that. It would really be an extraordinary thing, if, after declaring

this country free and prosperous beyond all calculation, it should be brought into such a situation, as that nothing could save it but direct taxation. He fondly hoped, he said, we were a free, enlightened and flourishing country. He wished he could say that the government had used our peculiar advantages to the best purpose ; but every one viewing the proposition before them, must be of a different opinion. We must, said he, either believe the United States are not prosperous, or that the natural causes of our prosperity had been defeated.

Mr. L. said, he did not mean to take up longer time of the committee, the subject having already undergone a very copious discussion.

Mr. Finley hoped the tax which was the subject of their discussion had been so long in contemplation, that members would have been more ready to have met it. It was admitted the last session to be necessary, and the secretary of the treasury had been directed to report a plan. At that time they were convinced more revenue was wanted ; that by anticipations, and other causes, we were in a situation to require a direct tax ; but now they heard that the tax was impracticable, unwise, impolitic and unjust.

He objected to its being impracticable ; indeed, this had rather been suggested than proved, and he had been surprised to hear such a charge. To say that so important a thing as the laying of a tax on land was impracticable, was a most extraordinary assertion ; but he trusted, as it had been found perfectly practicable in most of the states, it would be found practicable with us. It had been perfectly practicable, and most effectual, he said, in the state of Pennsylvania ; and if so there, why not practicable in the present case ?

The gentleman from Massachusetts (Mr. W. Lyman) had said that in some parts of the country the people were more numerous than in others ; and that a direct tax would call upon them to pay according to their numbers. Were not the manufacturers, he said, who might pay this, exempted from the impost duty, which would be equal to the direct tax which they were called upon to pay ? And indeed if they were not called upon for a direct tax they would pay no tax at all. But with respect to individual injury, he said it would be as just as any other tax ; the principle was more just, because land would be taxed only in proportion to its value. No indirect tax would operate equally, but would be more unequal than this.

But it was said, this tax would fall upon the consumer only. He differed in opinion from the gentleman from Massachusetts in this respect. Wealth and industry, he said, must pay taxes. Industry was the cause of wealth. A tax may be levied upon the poll ; but it must be paid out of wealth.

But it was said, wealth could not be found ; it could not be found, it was true, in all its avenues ; but in those in which it was visible and exposed. Was there a greater mass of wealth than land ? Certainly not. It was said that it discouraged cultivation ; but it did no such thing.

Mr. F. said, Pennsylvania had always been in the habit of collecting direct taxes, whilst a colony and since. This tax had the effect to prevent the land from being engrossed, and kept it in small tracts. Direct taxes were not imposed until indirect taxes had been tried to the greatest extent.

Mr. F. said, there were greater landed estates than any other ; and why should they escape a tax ? It could not be supposed that he could advocate this tax from any other motive than principle, since the whole of his property and that of his constituents was land ; but, said he, we consider it as a just and equal tax. It is not unpopular, we think it preferable to an indirect tax. People in towns, he said, paid for every thing they eat, drink, or wear, and therefore paid most of the impost duty ; they did not pay much of it, and therefore would not object to a small tax on their land.

Mr. F. said, he had observed a contest in that house between the agricultural and trading interests. He had thought it was too early a day to have introduced that kind of spirit. If they took a view of the country, or of the members in that house, they found one and the other almost altogether agricultural. It was certainly the most productive property in the Union, and why should it not pay its share of the public expense ?

The prosperity of the commercial interests, depended principally on agriculture, and a direct tax was necessary to equalize the taxes.

Salt, he said, had been mentioned for an additional duty. This was a most necessary article for the poor. Sugar also, though it had been called a luxury ; but he believed it was become from habit a necessary of life. Bohea tea was an article used by the poorer classes also. If this principle of taxing the poor prevailed in our taxes, if they were to take taxes where they could get them, he did not know where they should stop.

Was it not a little surprising, he said, to see the members of that house, whose estates were mostly in land, so desirous of avoiding a land tax? How would this look to the people? Would it not appear as if they were determined to put off the burden from their own shoulders?

For his part, he was so convinced, from moral and political ground, of the necessity and policy of the measure, that he should vote for the resolution.

A call for the question and for the committee to rise was made.

Mr. W. Smith wished to say a few words before the question was taken. He said the discussion had turned upon points not before the committee, viz. the quantity of revenue wanted, which would be determined, if the principle was agreed upon when the bill should be brought in, in filling up the blanks, as would also the modification of the business.—The only questions before them, were, was revenue wanted? And whether, if wanted, direct or indirect sources should be applied to for the money?

All, except one gentleman, who had spoken upon the subject, acknowledged revenue to be wanted. With respect to the mode by which it should be raised, gentlemen opposed to direct taxes, had laid before them a number of suggestions; but the resolution of his colleague (Mr. Harper) was the only plan which was regularly before them; he should therefore not notice any other; as gentlemen who were serious in any of their suggestions ought to bring them regularly before the committee.

With respect to the proposition of his colleague, it might perhaps be possible to raise some little from an advance of duty on the articles he had mentioned; but the only thing of consequence in his list was salt, against taxing which the opposition seemed to be pretty general. With respect to a duty on stamps, he did not believe that would be a measure which would meet with the approbation of the committee, and the window tax, was only a land tax in another form, vastly more objectionable than the proposition before them.—With respect to imposts, he said, they were at present on an average 16 per cent. He believed that would be thought sufficiently high. Indeed, he had been informed that the duty on some articles was already so high, that it would be necessary to reduce it in order to prevent their being smuggled; so that what might be raised by impost on one article, would only go to balance what might be taken off

from another, and therefore no additional revenue could be expected from that source.

Mr. S. said, he should mention a circumstance which he had from good authority, which would prove that the present duty was not paid with that facility which they had heard of, viz. that in one city only of the United States three hundred writs had been issued against merchants, for the recovery of their bonded duties !

If this was a fact, and he could not doubt it, he did not think this was a proper time to increase the duty on imposts. With respect to direct taxes, he was a little surprised to hear the opposition which had been raised to them, since in every state, except two, a plan of this kind was adopted ; how the idea of a direct tax being an impracticable measure came to be thrown out, he could not imagine. He was sorry it had been mentioned, since it might have an effect to weaken the confidence in government. With respect to what had been said on the subject of modification, that would be matter for future consideration. The only questions were (what he had already stated) was revenue wanted ? If it was, whether they were ready to adopt the plan proposed by his colleague, or agree to a direct tax ? He hoped, therefore, they should then come to a decision upon the question.

The calls for the question, and the committee to rise, were again repeated.

Mr. Harper said, he felt an apology necessary for again troubling the committee with a few remarks ; but he promised they should be as few as possible. He thought it necessary to make a few in reply to certain things which had been advanced against the proposition which he had laid upon the table.

It was said, that they were not able at present to make an accurate judgment upon the subject. He thought they were. Some parts of his plan, he said, had been placed in a light by no means consonant with the truth of the case. It was necessary, therefore, to correct some false views which had been given of the subject, and place them in their true light.

A member from Pennsylvania (Mr. Gallatin) yesterday stated, that all the calculations which he had made on the subject of imposts, were wholly imperfect and vain, because they were made on duties receivable, instead of received at the custom-house, and that the amount of duties received was very far below his estimate. But the gentleman ought to have recollected that those estimates were not calculated

upon any one year, but upon the average produce of several years, consequently, though the amount in one year might be less, the average would be the same and the truth of his position that the duties were increasing would remain unaffected. Whether the amount of the receipts was eight or five millions it made no difference as to his position.

If the drawback, he said, were taken for any one year, it would be erroneous, as the deductions for 1795, went to the year 1796, and so on; but when the average on several years was taken, it would be found right.

He had asserted that his statements would not be greatly affected by either war or peace; nor did he believe they would to any considerable extent. But the gentleman from Pennsylvania had predicted a very great defalcation of the revenue in case of peace. He did not think it would be equal to the increase of population which would be likely to take place in consequence of such an event. It was said, that when a peace should take place, a great part of our carrying trade would be withdrawn, and less capital would be employed; but he asked if that capital would remain unemployed? No: agriculture, perhaps manufactures, roads, internal improvements might employ that capital. And he did not know but this would be a more profitable employment of it, than in foreign commerce. He believed that commerce had been over done, and that wealth employed in that way might be more profitably employed on other objects. Instead of being spread upon the ocean, if it were spread upon land, he believed it would turn to better account.

In case of war, an event which they ought always to look upon as possible, it was said the defalcation would be great. This, he did not believe. He deprecated war as the greatest of evils, and he hoped and trusted it would be very long before this country was involved in such a calamity. He hoped the events predicted by the gentleman from Pennsylvania (Mr. Gallatin) would soon bless our sight; but though he believed war to be so great an evil, yet he did not think our revenues would be greatly injured by it. In order to see this, it might be observed, if our trade was a foreign trade, like that carried on by the Dutch or English, it would depend upon a state of peace. Those nations, in order to defend their commerce were obliged to keep up large navy establishments (perhaps at a greater expense than all the benefits derived from such a commerce would warrant;) but our commerce, said he, depends upon an exchange of the ne-

cessaries of life with which we abound, for the superfluous labour of other countries. It was therefore the interest of those countries to keep up this commerce ; they depended upon it for bread to eat. Therefore, even in a state of war they were under the necessity of winking at a commerce upon which their very existence almost depended. In the last war, perhaps there was as great an amount of duty paid as at present, in proportion to the population of the country.— Therefore, however great the evil of a war might be, it would not, he said, destroy our commerce. And with respect to the plunder of our property by ships of war of different countries, it could not be greater than it had been.

It had been said, that the objections to a land tax were equally strong against a window tax, a tax on stills, or other taxes of that kind, but this was a mistake. The difference was, that, in one case, they were apportioned by government upon the people, and in the other the people chose themselves what part of them they would pay. And even admitting (which he did not believe) that money was as plentiful in the country as in cities, still this objection would lie against direct taxes.

It had been said, that the impost duties could not be raised : but no proof had been brought of this. His colleague had indeed adduced a fact which he meant as proof, that in one town 300 writs had been issued for duty. But this did not prove that the duty was too high ; but that the merchants had all of them over-traded their capitals, of which they had had proofs enough already. If the duty had only been one half the present amount, the same thing might have happened.

Mr. H. then adverted to his plan, and defended it against the objections which had been urged against it. He observed that much had been said on the subject of smuggling. They should advert, he said, to the difference of situation betwixt this and foreign countries. What was the situation of Holland, Spain and Great-Britain, in this respect? They were divided from each other by rivers, or by narrow seas which might be crossed in an open boat which would carry over 30,000*l.* worth of dutiable goods in a few hours. On this account smuggling was carried to a great extent ; but in this country, he said, the Atlantic must be crossed, or a great part of it, before an article could be smuggled.

He concluded with saying, that if there were no other source but a land tax to supply the deficient revenue, he would vote for it ; but he believed a tax on windows or

hearths, with the additions he had proposed to the imposts, would be far preferable ; he should therefore be opposed to the present question.

The question was then taken for the committee to rise, and carried,

Ayes 44,
Noes 35.

Adjourned.

Thursday, January 19.

A letter was received from the Secretary of the Treasury. It inclosed two reports from the secretary at war. One of them respected the present condition of the naval establishment. This was, on motion of Mr. Parker, referred to the committee on that subject. The other regarded the ports and harbours of the United States, with an estimate of expenses for 1797. It was referred to the select committee on that business.

Mr. Venable from the committee of elections, made a report, viz. that Mr. Dana from Connecticut was entitled to his seat ; and that they had proceeded to examine the complaints made against the undue election of Mr. Varnum, from the second middle district of Massachusetts ; that no one of the petitioners, or their agents, had appeared this session to prosecute their complaints, nor transmitted any evidence on the subject ; that the sitting member had produced evidence that the election in the town of Dracutt, (the unfairness of which had been complained of) was conducted with fairness and propriety ; and though there had been some irregularities committed in other places, they were mostly owing to the misconduct of the petitioners ; the committee, therefore, report it as their opinion, that Joseph Bradley Varnum, is duly elected, and that any attempt to deprive him of his seat, appeared to be more the effect of malice, than of any real ground of complaint against the fairness of his election. Ordered to lie on the table.

Mr. Dwight Foster, from the committee of claims, made reports on the petitions of William Clark, Peter Lee, Cutlip Nestler, and John Stevenson, who prayed to be placed on the Pension list. The report was against the petitioners.

Mr. Livingston moved that it should be printed. He said that by the rules adopted, many miserable objects had been reduced to great distress. He wished it possible that some assistance

could be given to them. To his certain knowledge many poor people on the frontiers, who never had an opportunity of hearing about the statute of limitations, were thrown out. The motion for printing was seconded.

The speaker explained that the regular way would be to move for a committee of the whole house to take up the report.

Mr. Macon said that the best way for the gentleman to get at his object would be to move a simple resolution for rescinding the act of limitations; after some farther conversation the reference to a committee of the whole was agreed to. The motion for printing was rejected;

Ayes 38,
Noes 39.

Mr. Hindman gave in an application of Jeremiah Nichols, a collector of port duties, for additional salary. Referred to the committee of commerce and manufactures.

The speaker laid before the house a letter from the attorney general, accompanying his report respecting the title to the land situated in the south-western part of the United States, claimed by certain companies, under a law of the state of Georgia, passed in 1794, made in pursuance of a resolution of Congress in 1795; which was ordered to lie on the table.

Mr. Sprigg, jun. laid on the table a resolution to the following effect. "Resolved that the committee appointed to inquire into the progress made in carrying into effect an act for the sale of land north-west of the river Ohio, and above the mouth of Kentucky river, and also what alterations are necessary in the same, be further instructed to inquire what progress has been made in carrying into effect an act for regulating grants of land for military services, &c. and also if any and what alterations may be necessary in the same."

The speaker laid before the house the following communication from the President of the United States, together with very voluminous documents therein referred to, which, after some debate on the propriety of the measure, were ordered to be printed, without being read;

*Gentlemen of the Senate, and
of the House of Representatives,*

AT the opening of the present session of Congress I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France ; that our trade had suffered and was suffering extensive injuries in the West-Indies from the cruisers and agents of the French Republic ; and that communications had been received from its minister here which indicated danger of a further disturbance of our commerce by its authority, and that were in other respects far from agreeable : but that I reserved for a special message a more particular communication on this interesting subject. This communication I now make.

The complaints of the French minister embraced most of the transactions of our government in relation to France from an early period of the present war ; which therefore it was necessary carefully to review. A collection has been formed of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our Minister at Paris, containing an examination of the notes of the French Minister, and such information as I thought might be useful to Mr. Pinckney in any further representations he might find necessary to be made to the French government. The immediate object of his mission was to make to that government such explanations of the principles and conduct of our own, as by manifesting our good faith might remove all jealousy and discontent, and maintain that harmony and good understanding with the French republic which it has been my constant solicitude to preserve. A government which required only a knowledge of the *truth* to justify its measures, could not but be anxious to have this fully and frankly displayed.

G. WASHINGTON.

UNITED STATES, }
January 19th, 1797, }

From Mr. Pickering, Secretary of State, to Mr. Pinckney, plenipotentiary to the United States, at Paris.

DEPARTMENT OF STATE, January 16th, 1797.

SIR,

IN my letters of the 5th and 26th ult. I sent you two notes from Mr. Adet, the minister of the French republic to the United States; the former dated the 27th of October, and the other the 15th of November last; and my answer to the first. The latter note embracing numerous topics of complaint, and going as far back as the year 1793, required a particular examination of all the transactions of our government from that time to the present. The other indispensable duties of the office prevented my entering on this examination as early as I had expected, and the current business has retarded the pursuit. The result of this examination I am now, by the direction of the President of the United States, to communicate to you. This history of our affairs you will find supported by documents, many of which were delivered to you at your departure, and the residue will be herewith transmitted. The remarks and reasonings on facts you will duly appreciate; and from the whole, joined with your own observations, you will be enabled, it is believed, to vindicate the United States, and to demonstrate their impartiality as a neutral nation, their fidelity in the observation of treaties, and their friendship as an ally.

The discussion on which I am entering will involve much repetition; for the general questions and particular cases grouped together in the minister's last note, have been subjects of controversy and correspondence from May 1793 to this day. Some other points have indeed been contended for, which the minister has now passed without notice. Why they are omitted I know not; for in these cases the United States were as positively charged with violating treaties as in those which he has been pleased now to detail. Some of them it may be found proper to introduce, to render less imperfect the view of our relations to France.

The complaints of the French minister against the United States, have reference to three principle subjects.

1st. To the abandonment of their neutral rights to the injury of France, in not maintaining the pretended principles of the modern law of nations, *That free ships, make free goods*, and that timber and naval stores for the equipment and armament of vessels, are not contraband of war.

2d. To violations of our treaties with France, even in their letter.

3d. To the treaty of amity and commerce between the United States and Great-Britain; which he alledges "deprives France of all the advantages stipulated in a previous treaty." A fourth complaint is truly ingenious. The fortune of war has constrained some of the belligerent powers from enemies to become her allies; and if the alledged abandonment of the rules of the modern law of nations, in its consequences, works an injury to those allies, from that moment France is also injured. Perhaps it will be in time to notice this last charge when those allies themselves complain; if the answer to the first, involving the same principle, should not render such notice altogether unnecessary.

I shall now present to your view those facts and observations which will prove, we conceive, that the Minister's complaints are without any just foundation.

Under the first charge, that we have not maintained, as we ought to have done, our neutral rights, it is alleged;

1st. That the position, *that free ships, make free goods*, is an established principle of the modern law of nations, and that Great-Britain, by capturing French property on board our vessels, has violated our neutral rights; and that unless we compel Great-Britain to respect those rights, France will be justified in violating them.

Not to remark on the singular reasoning, that if one warring power commits an act of injustice towards a neutral and innocent nation, another warring power may lawfully commit the like injustice, we may ask what authority is adduced, to show that the modern law of nations has established the principle, *That free ships make free goods?* Vattel says positively " * that effects belonging to an enemy found on board a neutral ship, are seizable by the rights of war." Agreeably to this long established rule of the law of nations France herself, in her marine laws, has directed that *the merchandizes and effects belonging to her enemies which shall be found on board neutral vessels shall be good prize.*† By a former law, indeed, the neutral vessels themselves, as well as the effects of her enemies on board, were declared to be good prize. ‡ Valin remarks, however, that this regulation was peculiar to France and Spain; and that elsewhere the

* Book 3, sec. 115.—† Valin page 250, Reg. Oct. 21, 1744, art. 5.

‡ Valin vol. 2, page 252, 253.

goods of the enemy were *alone* subjected to confiscation. And in the treaty of France with the city of Hamburg, in 1769, it was stipulated that "all effects, provisions and merchandize whatsoever belonging to her enemies and found on board the vessels of Hamburg should be confiscated."

Mr. Adet remarks, that one of his predecessors, in July 1793, applied on this subject to the government of the United States, but was unsuccessful. He must refer to Mr. Genet's letter to Mr. Jefferson, dated July 9th, 1793,* [the subject was resumed in terms still more extraordinary in his letter of July 25th, 1793,] to which Mr. Jefferson answered on the 24th, declaring "his belief that it cannot be doubted but that by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize."—"It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port and detained, under pretence of having enemy goods on board, have, in many instances, introduced, *by their special treaties*, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; but this is altogether the effect of particular treaty, controuling, in *special cases*, the *general principle* of the law of nations and therefore taking effect between such nations only as have so agreed to controul it." And it is plain, that it was to avoid the inconveniences resulting from this general rule of the law of nations that France and the United States stipulated, in the 23d article of their commercial treaty, "That free ships should give freedom to goods; and that every thing should be deemed free which should be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted." It is also plain that this stipulation was intended to operate (indeed it was its sole object and otherwise could have no operation at all) when one of the parties should be at war with a nation or nations with whom the other should be at peace. France, therefore, has now no right to complain if the goods of her enemies find protection on board American ships, or to pretend, that in order "to restore the balance of neutrality to its equilibrium," she may seize on such goods: the just equilibrium be-

* State Papers, page 50, 53, 55.

tween her and the United States will be restored when we are at war and she at peace ; at which time the goods of our enemies will find protection on board the vessels of her citizens.

2d. It is alleged that we have abandoned the modern public law on contraband, and by our treaty with Great-Britain *granted* to that power, exclusively, the free carriage of articles for the equipment and armament of vessels.

Here as in the former case the question recurs, what is the law of nations on the point in dispute ? * Vattel defines contraband goods to be “ commodities particularly used in war—such are arms, military and *naval stores, timber*, horses and even provisions in certain junctures, when there are hopes of reducing the enemy by famine.” In the treaty between France and Denmark, concluded on the 23d of August 1742† —“ Tar was declared contraband, together with rosin, sails, hemp, cordage, masts and timber for ship building.” “ Thus, on this account (says Valin) there would have been no cause for complaining of the conduct of the English, if they had not infringed particular treaties ; for of right these things are now contraband, and have been so since the beginning of this century, which, however, was not the case formerly.” “ The modern public law on contraband,” mentioned by Mr. Adet and his predecessors, probably refers to the principles declared by the armed neutrality during the American war. This transaction is too remarkable to be passed unnoticed.

During that war, Great-Britain and the other belligerent powers, exercising the rights assured to them by the law of nations, made prize of enemies property on board neutral vessels, and of contraband goods belonging to neutrals. Eager as neutral nations must be to seize the opportunity which war presents, of becoming the carriers for the belligerent nations, whose ships and mariners are wanted for military operations, it was perfectly natural that the former should desire to establish as a rule that free ships should make free goods—or in other words, that neutral bottoms should protect the goods on board to whomsoever these belonged ; and it was equally natural for them to desire to diminish the list of contraband. In respect to the latter it must have been particularly interesting to the three northern maritime powers, from whose dominions chiefly the other maritime nations of Europe received supplies of timber and naval stores, to strike these from the

* Book 7, sec. 112. † Valin. vol. 11, p. 264.

lift of contraband, or by some means to exempt them from capture.

With these dispositions, the Empress of Russia, in February 1780, made public the principles on which she would maintain the commerce of her subjects. It is necessary here to recite only two of them. 1st. That all the effects belonging to subjects of the nations at war should be free on board neutral vessels; contraband goods excepted. 2. That the articles of contraband, should be regulated by the 10th and 11th articles of her treaty of commerce with Great-Britain, extending the regulations of those articles to all the belligerent powers.

To enforce the observance of these principles, she gave orders for equipping a considerable part of her marine.

In July of the same year, Denmark acceded to the principles of the armed neutrality, and entered into a convention with Russia, for maintaining them, assuming for her rule in determining what articles should be deemed contraband, her treaty of commerce with Great-Britain, concluded the 11th of July 1670. In the 3d article of this treaty, the description of contraband goods is in general terms; "any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war." But by a convention concluded at London on the 4th of July 1780, between Great-Britain and Denmark, "To explain the treaty of commerce of 1670 between the two powers," the articles deemed contraband are particularly enumerated, and among them we see "timber for ship-building, tar, rosin, copper in sheets, sails, hemp and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and fir-planks excepted." It is remarkable that these are the very articles admitted as contraband in the 18th article of our treaty of commerce with Great-Britain, and for which admission Mr. Adet declares "all the commercial relations between France and the United States are entirely broken."

But it is further to be noticed that this convention between Russia and Denmark, concluded in the midst of the American war, for maintaining the principles of the armed neutrality, and to which other European powers acceded, is explicitly declared, in the 9th article, to have been concluded and agreed on *for the time that war should last**; though it was

* Hist. armed neutrality, page 77, Marten's Treaties vol. 2, page 103.

to serve as a basis to future engagements which circumstances might render necessary, on account of new naval wars in Europe ; and with the latter view, the king of Sweden manifested the utmost solicitude lest the war should be closed without the intervention of the neutral powers. He therefore, was urgent that the Empress, with all the parties to the maritime convention, * “ should propose to the belligerent powers the establishing of a Congress, in which the different concerns, both of the powers at war and of the neutral states, should be examined and terminated.” And these concerns he afterwards mentions to be “ the pacification, *and the settling of a maritime code of laws ;*” objects truly important, and meriting all the solicitude manifested on the occasion by the king.

But these steps of the King of Sweden serve as additional proofs that the principles of the armed neutrality were not considered by the parties to the maritime convention, as sanctioned by the existing law of nations. For permanently to establish those assumed principles, by introducing them into a maritime code, was obviously the influential motive with the King for desiring a Congress, at which such a code might be settled with the assent of all the nations of Europe. But this project did not succeed : no Congress was formed : the belligerent powers made peace at different periods ;--and with that war ended the maritime Convention. This no nation has more reason to regret than our own, as well because the principles in question respect some very valuable portions of our exports, as because our disposition and our policy preserving us in peace, such an extended liberty of commerce would prove highly advantageous to us as carriers for the powers at war.

We have seen then, that the law of nations, the marine laws of France, her own treaties as well as those of other nations, and even the system of the armed neutrality, uncontestedly establish these principles, That enemies goods on board neutral vessels are rightful subjects of capture and condemnation ; and that timber and other articles for the equipment and armament of ships, are contraband of war : and, therefore, that the admission of these principles, in the treaty between the United States and Great-Britain, not being a grant to her of any right (for in what sense could we be said to give what she before possessed ?) furnishes no just ground

* Hist. arm. neut. page 147, 150.

of offence to France. In what sense too can the United States be said to have "*refused* to other nations a right" which they and we voluntarily and mutually agreed to *renounce*? Or how are we chargeable with "partiality in favor of England," because we do not take arms to *compel* her also to *renounce* it?

But Mr. Adet, still resting on the idea that not to *compel* Great Britain to *renounce*, is to *grant* her a *right*, seems to imagine that we shall attempt to obviate his complaints by saying "That France having the right, by her treaty of 1778, to enjoy all the advantages in commerce and navigation which the United States have granted to England, is not injured by the stipulations of the treaty of 1794 (with Great Britain) relative to contraband of war, as they become common to her."—But we shall say no such thing. The 2d article to which he refers has no relation to this subject. Had we *granted* any particular *favour* to Great Britain, or to any other nation in respect to commerce and navigation, we readily admit that by this article France would be immediately entitled to the same. But in regard to contraband of war, *we have granted nothing*, and therefore, under that article *France can claim nothing*.

Under the influence of present and temporary interests, the very *nature* of the stipulations between France and the United States, on the subject of free commerce and the limitation of contraband, seems to be forgotten. They took for the basis of their treaty "The most perfect equality and "reciprocity:" would they then conspire to their own hurt? Would they *voluntarily* and *mutually* stipulate for *injuries*? Or for *advantages*? Certainly the latter; and both considered the agreement reciprocally *advantageous* which secured to each, in its turn, the freedom of commerce provided by the rules; that free ships should make free goods;—and that timber and naval stores should be excluded from the list of contraband.

Connected with this subject is what concerns the article of *provisions*. Mr. Adet says that "after having assured to the English the carriage of naval stores, the federal Government *wished* to assure them that of meals; in a word, *it desired to have commerce only with England*. Thus it stipulates by the 18th article, that the American vessels laden with Grain, may be seized under the *frivolous pretext*, that it is extremely difficult to define the cases wherein provisions, and

other articles, which are generally excepted, could be classed in the list of contraband of war."

There are so many extraordinary assertions in Mr. Adet's notes, those in the above paragraph excite no surprise. The federal Government is constituted of citizens who have a common interest with their fellow citizens of the United States. That common interest has a peculiar relation to commerce, on the freedom and extension of which the public revenue and the general prosperity of our country chiefly depend. Will it then be believed that the Government *wished* this commerce to be *restrained*, particularly the commerce in *Meals* which compose the most valuable part of our exports? Especially will it be believed that the Government *desired* that our citizens might have commerce *only* with *England*? Let the general sense of our fellow citizens answer these charges. Let the great mass of our commercial brethren answer—they whose enterprise traverses every sea and explores every region of the globe, to extend their gainful trade; citizens whose commercial adventures to France and her colonies have risen annually to many millions; adventures by which many have hazarded their credit and their fortunes. Yet among all our citizens none have been more solicitous to form a commercial treaty with Britain; none more decided in approving that which has been made.

For the reasoning of our own government on this subject, I beg leave to refer you to my letter of September 12th, 1795, written by the president's direction to Mr. Monroe. Therein it was attempted to show the *necessity* and our *right* of forming that treaty with Great Britain, and I hope it will appear to you that the conclusion is there fairly drawn, that even the 18th article, as it respects provisions, would operate favourably to France.

Before the treaty with Great Britain, her cruisers captured neutral vessels bound to France with provisions. She asserted, that in certain cases provisions were contraband of war; consequently, that she might lawfully capture and confiscate such provisions. We opposed the principle and the practice. Britain insisted on her right. In this dilemma, it was agreed by the treaty, that whenever provisions, becoming contraband by the law of nations, should be captured, they should be paid for with a reasonable mercantile profit. This stipulation, without admitting the principle, by securing the American merchants from loss in case of capture, would certainly tend to promote rather than to discourage adventures in provisions to France.

But as this treaty has been the subject of serious complaint on the part of France, it is important to enquire with what foundation the complaint is made.

I might pass over the unworthy insinuations of the minister, that the treaty was entered into by us *in order to insure advantages to the English, and to furnish our own government with a reply to the claims of France, and peremptory motives for refusals to accede to them; that the true object of the negotiation was incessantly disguised under specious pretexts, and covered with the veil of dissimulation.* These insinuations have been indirectly addressed to the people of the United States. They will gain no belief. It may, however, be useful for you to be truly informed on this subject.

The President's message to the Senate on the 16th of April 1794, does not declare (as Mr. Adet asserts) "that Mr. Jay was sent to London *only* to obtain a redress of wrongs." The President says, that Mr. Jay's mission would announce to the world "a solicitude for a friendly adjustment of our complaints," and that "going immediately from the United States, such an envoy would carry with him a full knowledge of the existing temper and sensibility of our country; and thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity." And shall the pursuit of either of these objects be denied to us? What were our complaints? The most urgent regarded the spoliations on our commerce, and the in-execution of the article of the treaty of peace respecting the posts. With the latter was connected the Indian war, with which we had been harrassed for so many years; and with the former, the injury or ruin of our merchants, and the consequent extensive damages to agriculture. These being the most prominent objects of the mission were of course most observable and most talked of; and without them the mission probably would not at that time have been contemplated. But had we no other "complaints?" Did not the impressement of our seamen, like the spoliations on our commerce, excite an universal complaint? Had we never manifested our uneasiness at Great Britain's avoiding a commercial treaty? Was it not even a subject of complaint and reproach? Was not the inducing her to enter into such a treaty the object of divers measures agitated in Congress? Had not a commercial treaty with Great Britain been earnestly sought for from the conclusion of the war to the time of Mr. Jay's mission? How also could Mr. Jay, after adjusting the primary objects of his

mission, better prove the sincerity of our pacific disposition and more effectually “ cultivate peace,” than by forming arrangements calculated to extend and protect our trade, to promote good neighbourhood and a friendly and mutually beneficial intercourse; by prescribing a previous demand of justice and satisfaction to hasty reprisals, which naturally lead to war; and by agreeing on other regulations to prevent disputes, or to adjust them when they should arise? All these objects then, and whatever else would be the means of “ cultivating peace” were clearly comprehended in the President’s message.

But Mr. Adet says, “ that Mr. Jay’s negociation was enveloped from its origin in the shadow of mystery.” And to whom was our government bound to unveil it? To France or to her minister—Mr. Adet should answer; or not have complained. And was it for this, to make us a dependence on the French empire that our alliance was formed? Did we stipulate to submit the exercise of our sovereignty (if it is not a contradiction in terms) to the direction of the government of France? Let the treaty itself furnish the answer. * “ The essential and direct end of the present defensive alliance is to maintain effectually the liberty, *sovereignty, and independence absolute and unlimited*, of the said United States, as well in matters of “ *government as of commerce*.” So likewise the treaty of amity and commerce, in its preamble declares, that his most Christian Majesty and the United States willing to fix the rules which ought to be followed relative to the correspondence and commerce which they desire to establish between their respective countries, have taken “ for the basis of their agreement, the most perfect *equality and reciprocity*—and reserving withal to *each party* the liberty of “ *admitting at its pleasure other nations* to a participation of “ the same advantages.” Corresponding with this declaration in our treaty of amity and commerce with France, is the declaration of the Marquis de Noailles her ambassador at the court of London, on the 13th of March 1778, five weeks after the treaty was signed. Some passages in this declaration are so pertinent to the subject in discussion I shall quote them at length.

“ The undersigned Ambassador of his most Christian Majesty, has received express orders to make the following declaration to the Court of London.”

* Treaty of alliance, Art. 2.

“ The United States of North America *who are in full possession of Independence* as pronounced by them on the 4th of July 1776, having proposed to the king to consolidate by a formal Convention, the connection begun to be established between the two nations, the respective Plenipotentiaries have signed a treaty of friendship and Commerce, designed to serve as a foundation for their mutual good correspondence.”

“ His Majesty being determined to cultivate the good understanding subsisting between France and Great Britain, by every means compatible with his dignity, and the good of his subjects, thinks it necessary to make this proceeding known to the Court of London, and to declare, at the same time, that the contracting parties have paid great attention *not to stipulate any exclusive advantages in favor of the French Nation, and that the United States have reserved the liberty of treating with every nation whatever upon the same footing of equality and reciprocity.*” Why after all this, do we hear from Mr. Adet the complaint, That the negotiations of the British treaty were secretly conducted? In other words that in exercising their absolute and unlimited rights of “ Government and Commerce” the United States did not lay open to the French Minister or his Government the instructions to our Envoy for settling *our own* disputes and *regulating our own Commerce* with Great Britain? So far as candour and friendship required, a communication was made to the French Minister. He was officially informed “ That Mr. Jay was instructed not to weaken our engagements to France.” This instruction was obeyed; Mr. Jay having taken care to insert in the 25th article of the Treaty this explicit stipulation, that “ nothing in this Treaty contained shall be construed or operate contrary to former and existing public Treaties with other Sovereigns or States.”

The Government gave a further proof of its candor and friendship, by communicating to the French Minister the *Treaty itself*, prior to its ratification, “ in order to make such observations thereon as he might judge proper.” These observations you will see in Mr. Adet’s letter to the Secretary of State of June 30th 1795; and the refutation of his objections in the Secretary’s answer dated the 6th of July following.

With these facts in view, facts of which the chief are drawn from our Treaties with France, and from her own acts and laws, what opinion is to be formed of Mr. Adet’s declaration, “ That the Executive Directory regards the

Treaty of Commerce concluded with Great Britain as a violation of the Treaty made with France in 1778, and equivalent to a Treaty of Alliance with Great Britain?"

I will now advert to the charge, "that far from offering "the French the succours which friendship might have given "without compromising it, the American Government, in "this respect, violated the letter of Treaties."

As far as I can discover, the latter part of this charge is rested wholly on the 17th article of the Commercial Treaty, which therefore, it will be necessary to examine. The stipulations are mutual; but the examination will be simplified by considering their application to France alone. The 17th article then declares—

- 1st. That the ships of war and privateers of France may freely carry the ships and goods *taken from their enemies*, into the ports of the United States, without being obliged to pay any fees to the officers of the admiralty or any other Judges.
- 2d. That such prizes are not to be arrested or seized when they enter the ports of the United States.
- 3d. That the officers of the United States shall not make any examination concerning the lawfulness of such prizes: but
- 4th. That they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions.
- 5th. That, on the contrary, no shelter or refuge shall be given in the ports of the United States, to such as shall have made prize of the subjects, people or property of France; but if such shall come in, being forced by stresses of weather or the danger of the sea; all proper means shall be vigorously used that they go out and retire thence as soon as possible,

It will also be convenient here to notice the stipulations contained in the 22d article. These are

- 1st. That foreign *privateers* not belonging to French subjects or citizens, having commissions from any other prince or state in enmity with France, shall not fit their ships in the ports of the United States.
- 2d. Nor sell their prizes, nor in any other manner exchange their ships, merchandizes, or any other lading.
- 3d. Nor purchase victuals, except such as shall be necessary for their going to the nearest port of the prince or state from which they have commissions.

The cases that have occurred in the course of the present war, in relation to our treaty with France, particularly the 17th and 22d articles just mentioned, have led to numerous discussions, in which several points have been deliberately settled, either by legislative or executive acts, or by judicial decisions.

The first important executive act was the proclamation of neutrality by the president of the United States. This was issued on the 22d of April, 1793.

At the next meeting of congress, on the 3d of December, 1793, the president laid this proclamation before both houses. The senate, in their address in answer to the president's speech, thus express their opinion of the proclamation:—

“ We deem it a measure well timed and wise ; manifest-
 “ ing a watchful solicitude for the welfare of the nation,
 “ and calculated to promote it.”

The address of the house of representatives was *unanimously* agreed to. We read in it this paragraph:—

“ The United States having taken no part in the war
 “ which had embraced, in Europe, the powers with whom
 “ they have the most extensive relations, the maintenance
 “ of peace was justly to be regarded as one of the most
 “ important duties of the magistrate charged with the faith-
 “ ful execution of the laws. We accordingly witness, with
 “ approbation and pleasure, the vigilance with which you
 “ have guarded against an interruption of that blessing, by
 “ your proclamation, admonishing our citizens of the con-
 “ sequences of illicit or hostile acts towards the belligerent
 “ parties ; and promoting, by a declaration of the existing
 “ legal state of things, an easier admission of our right to
 “ the immunities belonging to our situation.”

Yet this is the instrument, thus approved by congress, and whose only object was to caution our citizens to avoid certain acts which would violate the laws of nations, which Mr. Adet has ventured to call “ An *insidious* proclamation of
 “ neutrality !”

The next executive act noticed by Mr. Adet, is the letter of the 4th of August, 1793, written by the president's command, by the secretary of the treasury, to the collectors of the customs, and accompanied by the rules which the president had adopted, for preventing all amendments in favour of any of the belligerent powers. These rules were considered as just and necessary deductions from the laws of

neutrality established and received among nations. The letter from the secretary of the treasury is explanatory of these rules, and among other instructions, particularly points the collectors to the 17th and 22d articles of our treaty with France; lest by inattention or misconception of them, she might be injured and her enemies benefitted. The letter concludes with enjoining the collectors to execute those instructions "with vigilance, care, activity, and impartiality," "because omissions would tend to expose the government to "injurious imputations and suspicions, and proportionably "to commit the good faith and peace of the country." How could such rules, with such reasons to enforce them, not escape censure? They were framed and required to be executed with *strict impartiality*; and consequently were to prevent Frenchmen continuing those aggressions on our sovereignty and neutrality, which had been commenced under Mr. Genet's orders, and which were calculated to involve us in a war with Britain, Spain and Holland; for at that time these were all combined against France. Frenchmen were to have no other preferences *than those secured to them by treaty*; (except that they were not forbidden to sell their *lawful* prizes in our ports) and our own citizens were to be restrained from committing hostilities under the banners of France, as well as those of other powers.

The third offensive act was the president's *submitting* to congress these measures, and suggesting the expediency of extending our legal code, giving competent jurisdiction to the courts, and providing adequate penalties to prevent or punish violations of the laws of nations.

The next complaint respects the act of congress passed on the 5th of June, 1794, "for the punishment of certain "crimes against the United States;" being those to which their attention had been called by the president's speech. Mr. Adet asks, "what was its result?" And gives himself the following answer. "In consequence of this law, the "greater part of the French privateers have been arrested, "as well as their prizes; not upon formal depositions, not "upon established testimony, not upon a necessary body of "proofs, but upon the simple information of the consul of "one of the powers at war with the French republic; frequently upon that of sailors of the enemy-powers; sometimes according to the orders of the governors, but often "upon the demand of the district attorneys, who assert, upon principles avowed by the government, that their con-

“viction was sufficient to authorize them, without complaint or regular information, to cause the privateers to be prosecuted in virtue of the law above mentioned.”—And “when the ministers of the republic have asked for justice of the government, for the vexations experienced by the privateers, in contempt of the 17th article of the treaty, “they have *never* been able to obtain satisfaction.”

Judging only by these declarations of Mr. Adet, a stranger would imagine there had been a combination of the general and state governments, and of our courts, to harass and do injustice to Frenchmen engaged in privateering. But our own citizens place a different estimate on this impeachment of their president, their senators and representatives in congress, their judges and other public officers: and an examination of the cases cited by Mr. Adet to support his assertions, will manifest their incorrectness.

First case. The French privateer *Sans Pareil* and her prize the *Perseverance*:

On the 26th August, 1794, Mr. Fauchet complained, that the prize had been seized on the pretext that the *Sans Pareil* had been illegally armed in the United States. The answer of September 3d, from the secretary of state, which Mr. Adet censures “as indicative of delay,” assured him that the secretary had urged the governor of Rhode-Island, where the prize was carried, to report the circumstances of the case without delay. On the 27th of September, the secretary informed Mr. Fauchet that the governor had decided that the prize should be restored. On the 17th of October, Mr. Fauchet renewed his complaint, for on the suit of the claimant the prize had again been arrested by process from the district court. The secretary of state answered, on the 22d, with information that ought to have satisfied Mr. Fauchet. For admitting that agreeably to the law of the 5th of June, 1794, the courts had authority, and were bound in duty to take cognizance of captures made within the jurisdiction of the United States, or by privateers illegally fitted in their ports (the right of doing which Mr. Fauchet did not contest) they could not refuse it in the case of the prize of the *Sans Pareil*: the guard against vexatious prosecutions being the judgment for costs and damages, to which an unjust prosecutor is exposed. The circular letter, written on this occasion to the governors of the states, manifests the solicitude of our government to prevent vexatious suits.

2d Case. Glas and Gibbs.

By the copy of the proceedings in the Supreme Court of the United States, in this case, you will see that the court did not, as stated by Mr. Adet, determine "that the tribunals could decide whether a prize belonged to enemies or to neutrals." The question before the court was of the cognizance of a captured vessel and cargo, the former the property of a Swede and the latter belonging partly to some Swedes and partly to a citizen of the United States. The opinion therefore pronounced by the Supreme Court applied to the case in which one of the claimants was a citizen of the United States. And after solemn argument, the court decided "that the district court of Maryland had jurisdiction and should accordingly proceed to determine upon this case agreeably to law and right,"

I will add only one more remark—That the 17th article, the letter of which we are charged with violating, in suffering our courts to take cognizance of French prizes, expressly refers to "the ships and goods taken from their enemies;" and it is the "examination concerning the lawfulness of such prizes" which the article forbids. But no examination of such prizes has been attempted by our government or tribunals, unless on clear evidence, or reasonable presumption, that the captures were made in circumstances which amounted to a violation of our sovereignty and territorial rights.

3d Case. The French privateer *L'Ami de la Point a Petre*, Captain William Talbot, and her Dutch prize the *Vrouw Christiana Magdalena*.

To the information contained in the papers collected in this case I have to add, that this cause was finally decided in the Supreme Court in August term 1795. The court were unanimously of opinion that in the particular circumstances of Talbot's case, notwithstanding his French commission, and his taking an oath of allegiance to the French Republic, he continued to be a citizen of the United States. But the cause, as I am informed, did not appear to have turned on this point. Talbot had associated with one Ballard, commanding an armed vessel called the *Ami de la Liberté*, which had been fitted out in the United States, and had no commission. Talbot and Ballard cruised together as conforts; and in fact it was Ballard's vessel that took the prize; Talbot not coming up till an hour after the capture, Ballard was afterwards tried, before the Circuit court, for piracy.

The court were also of opinion, from the tenor of the evidence, that Talbot's vessel was owned by citizens of the United States, to whom the prize money would eventually find its way in case of restitution to the captors.

Ballard and Talbot were both citizens of Virginia. The attempt of the latter to become a French Citizen, was considered to be fraudulent, being made for the sole purpose of obtaining a commission, under colour of which he might plunder the subjects of nations with whom the United States were at peace.

An observation ought not to be omitted here. That altho' the captors, Talbot and others, had been defeated both in the District and Circuit Courts, yet they carried the cause up to the Supreme Court: thus using the legal right of appealing to the court in the last resort; a right which alike exercised by the subjects of powers who were enemies to France, has formed a principal subject of Mr. Fauchet's and Mr. Ader's continued complaints.

4th. Under the head of complaints for vexatious prosecutions, Mr. Adet mentions only two cases in which damages and interest were allowed to the French captors, viz. one of *la nuestra Senora del Carmen* at Rhode Island, and the other of *la Princesa des Asturias* at New York. " Yet (says he) the tribunals have *always* allowed damages to the captured, when they have declared the prizes illegal." How far the facts will warrant this last assertion, I am not possessed of documents to determine. I presume it is to be understood in a *general* sense only, and to admit of exceptions. And in this sense there will be no difficulty in admitting the truth of the assertion, and accounting for it. The captures here referred to, were made either within our jurisdictional line, or by *illegal privateers*, being such as were equipped in whole or in part, in the ports of the United States. Of these material facts the captors could not be ignorant; consequently they could have no apology for defending their unjust claims in our courts; and of course, were justly condemned in costs and damages.

In the case of the prizes of the privateer the *Citizen of Marseilles*, damages were claimed by the captors, but denied. For those prizes had been considered in the district court to be illegal. And although the sentence of that court was reversed in the circuit court, yet it was upon the introduction of *new testimony*, on the part of the captors. This last decision was affirmed in the supreme court, yet without da-

images: inasmuch as the testimony was considered to be so ambiguous as to justify the appeal.

The same remarks apply to the prizes of the privateer *General Laveaux*; with this addition, that one of the judges dissented from the opinion of the court, being firmly of opinion that this privateer was covered American property.

The privateer *la Parisienne* had been registered as an *American coasting vessel*, under the name of the *Hawk*. During the embargo, in the spring of 1794, she slipped out of Charleston and went to Port de Paix; where she was sold to one Blochos, a Frenchman, who armed her and provided her with a commission. Having afterwards arrived at Charleston, she was recognized and prosecuted for a breach of the revenue laws, *in having gone to a foreign port whilst she was in the legal predicament of a coaster*. The district court condemned her: but on the application of Blochos to have her restored on paying the appraised value, the judge permitted him to take her, *in a state of warlike equipment*. Shortly afterwards she put to sea and captured two valuable British prizes, the brigantine *Cæsar* and *Favourite*. On their arrival, the one at Charleston, the other at Savannah, suits were commenced to obtain their restitution, as having been captured by an illegal privateer. The decrees of the courts were in favour of the captors, but without damages. The supreme court disapproved of the restitution of the privateer without dismantling her: and considered the mistake committed in this respect a sufficient reason to cover the party prosecuting from the payment of damages.

All the other cases of captures by French privateers, which have been brought up to the supreme court, were decided at last August term. In some of them, the circumstances would not have warranted an award of damages; in others *the counsel for the captors omitted to ask for them*. When demanded, you know that it is in the discretion of the court to grant or refuse them: this discretion being regulated by all the circumstances of each case. Hence when a party is drawn before the court without good cause and vexatiously, damages are always given; but are denied when there appears a reasonable cause of controversy.

Fifth, Mr. Adet having briefly noticed several cases by name, seems to reserve those of the *Vengeance* and the *Cælius* for a full display of unwarrantable conduct in the government and courts of the United States, and therefore descants on them at some length; but with so many aber-

tions from the facts, with so many erroneous ideas concerning our jurisprudence, and so many injurious insinuations respecting our courts and their officers, it will be necessary that you should learn the true history of these cases from authentic documents.

Case of the French privateer la Vengeance.

For the full history of this privateer and her prize I must refer you to the documents in the case. The principal facts are these. About the latter end of June or the beginning of July 1795, the privateer *la Vengeance* arrived at New York with a valuable prize called *Princesa de las Asturias*. Don Diego Pintado the owner commenced a suit for his vessel, on the ground that she had been taken by an illegal privateer. The suit was instituted by Mr. Troup, not wantonly but upon information which was afterwards verified by the oaths of several witnesses. In the progress of the cause these witnesses were contradicted by the witnesses produced on behalf of the captors, for whom a decree was finally given: the clashing evidence preponderating, in the judges opinion, in the favour of the captors; but he expressly declared that there was probable cause for the seizure.

After this suit for the prize had been commenced, the Spanish consul complained to Mr. Harrison, the district attorney, in his official capacity, of a violation of law, on the part of the privateer *la Vengeance*, in consequence of which a Spanish subject had been injured. Mr. Harrison upon an inquiry found at least a probability that the complaint respecting the privateer was true. This probability arose from what he considered as affording the certainty of *material proof*; and, therefore, in conformity with his official duty, commenced a prosecution on the act of Congress forbidding the arming of privateers in our ports. The decision of this and of the prize cause depended on the same evidence. The decision being in favour of the captors, Mr. Harrison acquiesced in it as it respected the privateer: and he united with his associate counsel in the prize cause in advising the like submission in that case. But the Spanish consul deemed it his duty to pursue the claim to the court in the last resort. This can warrant no complaint; for Mr. Harrison remarks, that perhaps there never were causes in which more contradictory and irreconcilable evidence was offered, and in which the minds of the auditors were more divided as to the real state of facts.

The second public suit against the privateer, was for exporting arms and ammunition from the United States, when such exportation was prohibited by law. The evidence which appeared in the other causes gave rise to this prosecution; and upon the trial the judge condemned the privateer. An appeal from this sentence was interposed by the French consul. The appeal was heard in the circuit court, and upon *new evidence* the sentence of the district court was reversed.

Mr. Adet complains, that while one suit was pending for the prize, and another against the privateer, the district attorney should exhibit a second information against the privateer, on which she was arrested anew, for having exported arms in violation of a law of the United States, which was in force when the Vengeance sailed from New York: and that this information was filed on the simple declaration of Mr. Giles, the marshal of the court, who as informed was to share part of the confiscation. As Mr. Harrison remarks, it was in favour of the privateer that this second information was filed, *while the first was pending*; because it saved time. Had he postponed the latter until the first had been decided, there might have been some foundation for a charge of unnecessary delay. Mr. Harrison's state of the case shows that this second information was not made on the declaration of the marshal; but on the evidence that appeared on the examination of the first.

Mr. Adet having been pleased to censure the conduct of the attorney, clerk and marshal of the district court of New York? in justice to them, I have added to the other documents in this case, the letters of Mr. Harrison and Mr. Troup. They will answer the double purpose of justifying them and of vindicating our government and tribunals.

Mr. Adet particularly notices the papers he had received from St. Domingo, "Proving" as he says, "in the most convincing manner, that the Vengeur (la Vengeance) had arrived at Port de Paix without any armament or equipment whatever; and that she had been sold, armed and equipped wholly, and commissioned as a privateer, on the territory of the republic. These documents were certificates of the general, the ordonnateur and of the greater part of the principal officers of St. Domingo, &c. He hastened to communicate them to the Secretary of State, and to request him to order the attorney of New York district to stay the proceedings instituted in the name of

“ the government : there was nothing done with them and “ Mr. Harrifon continued his profecution.” It will appear by my letter of October 1st, 1795, to Mr. Harrifon, that thefe papers were fent to him, and by his anfwer of October 3d, that he received them. That the bill of fale (one of the papers) was produced to the court, in behalf of the claimant of the privateer ; but that the certificate of general Leveaux, could not be confidered as evidence in the caufe ; and if it had been admiſſible, “ the claimant would be very “ cautious of producing it, *on account of its differing* from “ the witneſſes.”

Sixth. *Cafe of the French privateer le Caſſius.*

For the full hiſtory of this caſe, I muſt alſo refer you to the documents ; and here only preſent you with a concise ſtatement.

The Caſſius, under the name of les Jumeaux, was fitted and armed for a veſſel of war in the port of Philadelphia, in violation of a law of the United States. In December 1794, having eſcaped from the port to deſcend the river, orders were given to the militia of the ſtate of Delaware to intercept her. The attempt was made and failed—the crew of les Jumeaux, which was unexpectedly found to be very numerous, reſiſted the officers who went on board, manned their cannon, and brought them to bear on the cutter in which the militia (about forty in number) were embarked. Their force being inadequate to the enterprize they retired, with an intention to return the next day with a reinforcement. They did ſo ; but les Jumeaux had failed and gone to ſea. The agent Mr. Guenet, by whom les Jumeaux had been fitted out, was tried in the circuit court at Philadelphia, convicted of the offence, and received ſentence of fine and imprifonment.

Les Jumeaux proceeded to St. Domingo. Samuel B. Davis, a citizen of the United States, there took the command of her, with a commiſſion from the French government. Davis probably failed from Philadelphia in les Jumeaux, for the purpoſe of finally taking the command of her. Her name was now changed to le Caſſius ; and on a cruize ſhe took a ſchooner called the William Linſay, belonging to Meſſrs. Yard and Ketland of Philadelphia : Mr. Ketland having purchaſed an intereſt in her after her failing. The ſchooner and her cargo were condemned as prize at St. Do-

mingo. In August 1795, Captain Davis, commanding *le Cassius*, came with her to Philadelphia. She was immediately known. Mr. Yard, with a view of obtaining an indemnification for the loss of the schooner and her cargo, libelled *le Cassius* in the district court, and caused the captain to be arrested. Soon after, the supreme court being in session, captain Davis's council applied for and obtained a prohibition to the district court, to stop its proceeding; by which the suits both against him and *le Cassius* were defeated. The prohibition was granted on this principle; that the trial of prizes, taken without the jurisdiction of the United States, and carried into places within the jurisdiction of France, for adjudication, by French vessels, and all questions incidental to it, belong exclusively to the French tribunals: and consequently that its vessels of war and their officers, are not liable to the process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French government.

Messrs. Yard and Ketland having failed to obtain indemnification in this mode, procured new process on the information of Mr. Ketland, to be issued from the circuit court, by which *le Cassius* was attached as a vessel armed and equipped as a ship of war in the port of Philadelphia, with intent to cruise and commit hostilities against nations with whom the United States were at peace; in violation of the act of Congress prohibiting such armaments. Mr. Adet, complained that the process was taken out of the circuit court; because as he alleged, it had no jurisdiction, and that it would be attended with delay, that court sitting but twice a year: whereas the district court, in which it was said the prosecution (if at all permitted) should have been commenced, was always open. I consulted gentlemen of legal knowledge, on the point of jurisdiction in this case, and they were decided in their opinion, that the circuit court had jurisdiction, and exclusively of the district court. You will see also in Mr. Rawle's statement of this case, that this opinion was adopted and supported by two gentlemen of eminence at the bar: you will further see in that statement, that the government of the United States had no part in originating this prosecution; and that the district attorney, in behalf of the United States, took measures at each term of the circuit court, to prepare the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term 1796; the cause was brought to a hearing.

In the course of the argument, the question of jurisdiction presented itself. The court adjourned until next day to consider of it, and on the following morning dismissed the suit. As soon as I had received notice of this event, (on the 19th of October last) I wrote to Mr. Adet, informing him that le *Cassius* remained in the custody of the marshal, but ready to be delivered to his order. To this no answer was returned; but he mentions the matter, in the notes subjoined to his note of the 15th November, intimating that the United States were answerable in this case, for a violation of treaties, and for the damages the *Cassius* has sustained. Here the affair rests.

In his letter of the 3d of June 1796, which you will find among the papers, respecting the *Cassius*, Mr. Adet mentioned the affair of the *Favourite* at New York: and intimated an idea, that the Executive might in like manner cause the prosecution against le *Cassius* to cease. But the proceedings in the case of the *Favourite* were wholly in the hands of the Executive officers, who were under the President's immediate controul, and to whom, on evidence satisfactory to the Executive, orders were given to discontinue the process. In this affair of the *Favourite*, we are fortunate in finding one case in which Mr. Adet (contrary to his assertion, in his note of November 15th) acknowledges, that justice was done by our government. You will observe in Mr. Fauchet's letter of the 23d of September 1794, a very formidable complaint, in this affair of the *Favourite*; that it was pretended, that a privateer fitted for a cruise had deposited arms on board her, and that this pretext was used for visiting and pillaging her: that she was a ship of war of the republic, then serving as a store ship until she could be repaired that the sovereignty of France was violated, and her flag insulted.—Yet by the letter of John Lamb Esquire, collector of the port of New York, of the 22d of November 1794, you will see, that at the time the seizure was made, of the suspected articles on board the *Favourite*, “ she having been totally dismantled, her crew sent on board other
“ ships of war, and her sails, rigging and other materials
“ sold at public auction, she was considered as a *hulk*;
“ otherwise the event would not have taken place.” The collector further declares that the charge of pulling down the national flag and hoisting another in its place was groundless.

depart as soon as possible. On the contrary, the construction adopted by the executive of the United States, and expressed in the rules before mentioned, which had been transmitted to the collectors in August, 1793, was this—That *privateers* only of the enemies of France were absolutely excluded from our ports, except as before when compelled to enter through stress of weather, pursuant to the 22d article of the treaty; while the *national* ships of war of *any other nation* were entitled to an asylum in our ports, excepting those which should have made prize of the people or property of France, *coming in with their prizes*.

On the 9th of September, 1793, the secretary of state thus expressed to the British minister the determination of the executive—"The *public ships of war* of both nations (French and English) enjoy a perfect equality in our ports, —first, In cases of urgent necessity—second, In cases of comfort and convenience—and, third, In the time they choose to continue—and though the admission of *prizes* and *privateers* of France is *exclusive*, yet it is the effect of "treaty," &c.*

In support of our construction of the treaty, it has been observed, that† "the first part of the 17th article relates to French ships of war and privateers entering our ports, *with their prizes*: the second contrasts the situation of the enemies of France, by forbidding such as shall have made prize of the French: intimating from this connection of the two clauses, that those forbidden, are those which bring their prizes with them." To these observations I will add—That if the *literal* construction contended for by the French ministers were admitted, then although the *public* ships of war which *had* made prize of French people or property would be excluded from our ports, yet the *prizes* of such *public* ships might be received, and they might be *sold* too; for the prohibition in the 22d article of the treaty, applies only to *privateers* and *their prizes*; while the government of the United States judged that the 17th article was intended to exclude the *prizes* made on the French, by *public* ships of war as well as those made by *privateers*; and gave directions accordingly to have them excluded. Further, if it had been intended to exclude from our ports the *public ships of war* of the enemies of France, coming *without any prize*, then they would doubtless have been comprehended in one

* State Papers, p. 77.

† Secretary of state to Mr. Fauchet, September 7th, 1794.

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In his letter of the 3d of June 1796, which you will find among the papers, respecting the Cassius, Mr. Adet mentioned the affair of the Favourite at New York: and intimated an idea, that the Executive might in like manner cause the prosecution against le Cassius to cease. But the proceedings in the case of the Favourite were wholly in the hands of the Executive officers, who were under the President's immediate controul, and to whom, on evidence satisfactory to the Executive, orders were given to discontinue the process. In this affair of the Favourite, we are fortunate in finding one case in which Mr. Adet (contrary to his assertion, in his note of November 15th) acknowledges, that justice was done by our government. You will observe in Mr. Fauchet's letter of the 23d of September 1794, a very formidable complaint, in this affair of the Favourite; that it was pretended, that a privateer fitted for a cruise had deposited arms on board her, and that this pretext was used for visiting and pillaging her: that she was a ship of war of the republic, then serving as a store ship until she could be repaired that the sovereignty of France was violated, and her flag insulted.—Yet by the letter of John Lamb Esquire, collector of the port of New York, of the 22d of November 1794, you will see, that at the time the seizure was made, of the suspected articles on board the Favourite, “ she having been totally dismantled, her crew sent on board other ships of war, and her sails, rigging and other materials sold at public auction, she was considered as a *bulk*; otherwise the event would not have taken place.” The collector further declares that the charge of pulling down the national flag and hoisting another in its place was groundless.

depart as soon as possible. On the contrary, the construction adopted by the executive of the United States, and expressed in the rules before mentioned, which had been transmitted to the collectors in August, 1793, was this—That *privateers* only of the enemies of France were absolutely excluded from our ports, except as before when compelled to enter through stress of weather, pursuant to the 22d article of the treaty; while the *national* ships of war of *any other nation* were entitled to an asylum in our ports, excepting those which should have made prize of the people or property of France, *coming in with their prizes*.

On the 9th of September, 1793, the secretary of state thus expressed to the British minister the determination of the executive—"The *public ships of war* of both nations (French and English) enjoy a perfect equality in our ports, —first, In cases of urgent necessity—second, In cases of comfort and convenience—and, third, In the time they choose to continue—and though the admission of *prizes* and *privateers* of France is *exclusive*, yet it is the effect of "treaty," &c.*

In support of our construction of the treaty, it has been observed, that † "the first part of the 17th article relates to "French ships of war and privateers entering our ports "with their prizes: the second contrasts the situation of the "enemies of France, by forbidding such as shall have made "prize of the French: intimating from this connection of "the two clauses, that those forbidden, are those which "bring their prizes with them." To these observations I will add—That if the *literal* construction contended for by the French ministers were admitted, then although the *public* ships of war which *had* made prize of French people or property would be excluded from our ports, yet the *prizes* of such *public* ships might be received, and they might be *sold* too; for the prohibition in the 22d article of the treaty, applies only to *privateers* and *their prizes*; while the government of the United States judged that the 17th article was intended to exclude the *prizes* made on the French, by *public* ships of war as well as those made by *privateers*; and gave directions accordingly to have them excluded. Further, if it had been intended to exclude from our ports the *public ships of war* of the enemies of France, coming *without any prize*, then they would doubtless have been comprehended in one

* State Papers, p. 77.

† Secretary of state to Mr. Fauchet, September 7th, 1794.

provision with the *privateers* in the 22d article: for privateers are thereby excluded, whether they come with or without prizes. But *public ships of war* are not comprehended, or at all referred to in the 22d article; whence the conclusion is fair, that it was not intended to forbid them coming *alone*; and consequently, that the *exclusion* provided in the 17th article applies to them *only* when they would come into our ports *with their prizes*; this last clause of the same article being in its form opposed to the first clause, which *admits* the entrance of French ships *with their prizes*. Besides, if a *public ship of war* of the enemies of France, comes into our ports *without any prize*, how is it to be known whether she has or has not made prize of the people or property of the French? Who is to erect a tribunal to investigate and pronounce on the fact? But if she comes *with a prize*, the case presents no difficulty; she brings with her the evidence which goes to the exclusion of her and her prize.

I must now advert to some others of Mr. Adet's charges against the government of the United States.

First, "It (the government of the United States) put in question, whether it should execute the treaties, or receive the agents of the rebel and proscribed princes." And is there any thing in this unjustifiable or extraordinary? Was it easy for a nation distant as ours, to obtain promptly such accurate information as would enable it duly to estimate the varying condition of France? In 1791, the constitution formed by the constituent assembly, was accepted by Louis the XVI; it was notified to the United States in March, 1792. Congress desired the president to communicate to the king of the French, their congratulations on the occasion. In August, 1792, the king was suspended. In September, royalty was abolished; and in January, 1793, Louis the XVI, tried and condemned by the convention, suffered death. Was it easy to keep pace with the rapid succession of such revolutionary events? And was it unlawful for our government, under such circumstances, even to *deliberate*? I do not find that information of the death of the king was received from our minister at Paris, until May 1st, 1793. The news, however, had previously arrived in such a manner as to attract the attention of government; for in April, the president had determined to receive a minister from the French Republic. And it is remarkable, that this was before he knew that a minister had arrived in the United States. This promptitude in deciding a leading question,

there forty-eight hours before the treaty was concluded. It is also a fact that it was effected without the aid of the French consul at that place. However, with respect to Mr. Donaldson's negotiation, we are well informed, that "his not conferring with the consul of France was not his fault; and if he had done it that it would have injured his cause: neither the republic nor her consul enjoying any credit with the Dey." But we are at the same time informed, that the cause of this was transitory, and ought not to hinder us from endeavouring to engage her interest for other places, and in that place for future occasions. Agreeably to this idea, the agent for the United States applied to the French consul, Herculaïs, at Algiers, the last spring, to recommend a suitable person to negotiate a treaty with Tunis. The person recommended was employed, and we have been informed, had in part succeeded, and was expected to complete a treaty of peace. This information was communicated to our minister at Paris, in a letter dated 30th of August last, from the French minister for foreign affairs, accompanied by an extract of a letter from the consul Herculaïs.

In all these transactions, far from discovering a trace of evidence to support Mr. Adet's charge, the reverse is manifestly proved.

Fifth, "Notwithstanding treaty stipulations, it allowed to be arrested vessels of the state."

While we admit the fact that French vessels have been arrested, we deny that the arrests have infringed any treaty stipulations. The details in this letter and the documents referred to, appear to us entirely to exculpate the government. And if neither the executive nor our tribunals could in any case take cognizance of captures which the French privateers called *prizes*, then they might take our own vessels in our rivers and harbours, and our citizens be without redress. But* "It is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to chuse to call it a prize, would this exclude us from the right of redressing the wrong? were it the vessel of another nation, are we not equally bound to protect it,

* Letter from the Secretary of State to Mr. Morris, August 16th, 1793.
State Papers, p. 62.

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* Letter from the Secretary of State to Mr. Morris, August 16th, 1793.
State Papers, p. 62.

“ while within our limits ? were it seized in any other waters,
 “ or on the shores of the United States, the right of re-
 “ dressing is still the same ; and humble indeed would be our
 “ condition were we obliged to depend for that on the will
 “ of a foreign Consul, or on negotiation with diplomatic
 “ agents.”

The same reasoning will apply to captures made by illegal privateers ; that is, by such as were armed and equipped in the ports of the United States ; for it being by the law of nations the right of our Government, and as a neutral power its duty, to prevent such armaments, it must also be its right and duty, by all means in its power to restrain the acts of such armaments done in violation of its rights and in defiance of its authority. And such were the armaments made by the French people in the ports of the United States. And the most effectual means of defeating their unlawful practices was the seizing of their prizes when brought within our jurisdiction. It is very possible, indeed, that in some cases the irritated subjects or public Agents of nations whose property was taken by French privateers, might commence vexatious prosecutions : but this is no more than happens frequently among our own citizens ; and in every nation in the world : and the only restraints on the vindictive passions of men, in such cases, which the policy of free governments has imposed, are the damages which the courts compel the malicious prosecutor to pay to the injured party. If, as Mr. Adet asserts, damages have in two cases only been granted by the courts to French privateers, even when the decisions have been in their favour, it has arisen from their own conduct ; or the omission of their counsel ; or from accidental circumstances, which, in the opinion of the courts, furnished reasonable presumptions against them of having violated the laws, either by illegally arming in our ports or making the captures within our jurisdiction. If, on the other hand, they have in the event of contrary decisions, been always condemned to pay damages, we may venture to say, it was because they were always in the wrong. For no one, will find sufficient ground to impeach the discernment or integrity of our courts.

Sixth, “ It suffered England, by insulting its neutrality,
 “ to interrupt its commerce with France.”

That our commerce has been interrupted by the armed vessels of England, and sometimes with circumstances of insult, we certainly shall not attempt to deny ; the universal

repentment and indignation excited by those injuries were admissions of the fact : but that the government has *connived* at the practice, (for that, Mr. Adet must have intended to insinuate by the word “suffered,”) all its acts most forcibly contradict. It was because of those aggressions that preparations for war were commenced ; and to demand satisfaction for them was the leading object of Mr. Jay’s mission to London. Satisfaction was demanded ; and the arrangements agreed on for rendering it, are now in execution at London. But if by “suffered,” Mr. Adet means that we did not arm, that is, make war on England, to obtain the indemnification, when humanity, reason and the law of nations prescribed the mode of previous peaceable demand—to these very principles we may appeal for our justification : and if it is necessary to go further, we say, That as an independent nation, we must be left to determine in what manner we can most beneficially obviate an evil, and when it is most proper for us to repel an injury. To deny us this right of judgment is to deny our independence. We have not been insensible either to our honour or our interest. If we have manifested much long-suffering, we have not been singular. Neutral nations very commonly endure many temporary evils ; because these appear light when compared with the calamities of war : and they look forward, as we have done, to a period when returning justice may redress their wrongs. This period we trust will arrive in regard to those we are now suffering from the French republic. If a nation not bound to us by treaty, and between whom and ourselves actual circumstances and many recollections tended to excite peculiar passions, engaged to render us justice, shall we expect less of an avowed friend ?

We may here properly enquire, what could have been the understanding of the parties on this point, when the treaty of 1778 was made between France and the United States ? She knew that notwithstanding the extent of our country, and its rapid increase in population, many years must elapse before we could form a powerful navy to protect our commerce. She knew the conduct of maritime powers in all their wars : particularly she was acquainted with the maxims and measures of England, towards the commerce of neutral nations, in all her wars with France. And if knowing these things, France then expected that in all subsequent wars we should *compel* the maritime powers in general, and Great Britain in particular, to admit our commerce to perfect freedom, then instead of a treaty of *commerce* containing regula-

tions for conducting it, when France should be at war, she would have demanded from us a stipulation, that in every future war in which she should be engaged with any other maritime power, we also should engage in it as her associate. But this is a condition which France was too just to demand, and to which the United States would never have agreed.

Seventh, " Notwithstanding the faith of treaties, it gave
 " an asylum to these same English, who after having insulted
 " her flag, pillaged her citizens, came also to brave the
 " American people in their ports, and to take a station
 " whence to cruise, on a favourable opportunity, against the
 " French."

This, like most others of Mr. Adet's charges, is but the renewal of the complaints of his predecessor, Mr. Fauchet; and the vindication of the government will appear in the answers and communications from the secretary of state to that minister, in the years 1794 and 1795. The cases particularly noticed, were those of the British frigate *Terpsichore* and her prize *la Montague*; and of the British ship *Argonaut* and her prize *l'Esperance*. The *Thetis* and *Huffar* British frigates, with their French prizes *la Prevoyance* and *la Raïson*, are also mentioned, but without any facts or circumstances as subjects of enquiry, which of course is precluded. That of the *Terpsichore* and her prize appears to have been the first case of the kind, in which the executive of the United States, and those of the particular states, were called to interfere; and therefore, it will not be thought extraordinary, if the executive of Virginia was unprepared with arrangements to give instant effect to the stipulation of the 17th article of the treaty of 1778, forbidding an asylum to the armed vessels of the enemies of France and their prizes. What delay took place seems to have been the result of accident; certainly not of design. And by letters from this department, the executives were earnestly pressed to take the necessary order for prompt execution, in future, of this part of the treaty. But why should the French ministers complain with such energy, that a British ship of war, with her prize, remained in one of our ports, during perhaps twenty or five and twenty days; when against the earnest requests and orders of the executive, the French privateers, armed in our ports in violation of the laws, long continued to keep on our coast and enter our harbours, thence, on favourable opportunities, to cruise against their enemies? The *Columbia*, or *Carmagnole*, continued such her unlawful acts for more than a year.

After all the zealous remonstrances of Mr. Fauchet, now renewed by Mr. Adet, about the captures of the French corvette l'Esperance, by the British ship Argonaut, who went with her prize into Lynn-Haven Bay, what were the facts? The governor of Virginia went personally to the French consul at Norfolk, for information concerning this declared violation of the treaty—but “received none which appeared to justify the uneasiness occasioned by that event, *“ he charging no circumstance as improper in the captors ; but* “ rather seemed to consider the introduction of the prisoners “ made on that occasion, so soon into a place where the “ exchange would be effected, as an alleviation of the mis- “ fortune of losing the vessel.” The captain of the French corvette himself was desired to give evidence in the case ; he promised, but failed to appear. He was called upon a second time to give information, but discovered an unwillingness to do it ; observing that he had given to the consul a circumstantial account of the transaction on his arrival. The governor having heard that a respectable pilot by the name of Butler was acquainted with the circumstances of this affair, he directed his deposition to be taken ; it was taken, and imported that admiral Murray himself purchased the prize l'Esperance, and manned and fitted her in Lynn-Haven Bay for a cruise. But Butler's deposition was afterwards taken on the part of the British, in which he contradicted all the material facts recited in the former deposition ; for which he accounted by saying, that he could neither write nor read, and that there had been inserted in his first deposition what he had never said. Under these circumstances it was desirable to obtain further information. This was furnished by the British minister, in the extract of a letter from admiral Murray, which bears every mark of candor and humanity, and of respect for the United States. It is as follows : “ The French sloop of war l'Esperance “ was brought into Lynn-Haven Bay on the 11th of Janu- “ ary (a few days after my arrival there) by captain Ball, “ who had captured her fifteen leagues from the shore : the “ weather being very tempestuous, a lieutenant with a suffi- “ cient number of men only to navigate her (not being half “ the complement the French had in her) were sent on “ board from the Resolution and Argonaut ; and so soon as “ the weather permitted those ships to supply her with water “ and provisions, I sent her to sea, that I might give no “ umbrage to the American States. An additional reason

“ for bringing l’Esperance into Lynn-Haven Bay, was out of humanity to the French prisoners, whom, having had a long voyage, I sent to Norfolk as soon as prudence would permit: otherwise they must have been kept prisoners on board the whole winter, and sent to Halifax in the spring: nor was she equipped or armed then, in any manner whatever; nor did the lieutenant receive any commission for her whilst in Lynn-Haven Bay; and when at sea only an acting order to command her, which is customary, and absolutely necessary in all captures; otherwise if retaken by the enemy, he might be considered as a pirate.”

Eighth, “ It might be said that it applauded their (the English) audacity; all submission to their will, it allowed the French colonies to be declared in a state of blockade, and its citizens interdicted the right of trading to them.”

If among the multitude of such complaints as Mr. Adet has exhibited, any one could excite surprize, this charge is calculated to produce it. Here a formal charge is made against the government of the United States, that it did not controul in another independent nation the right of judging of its own affairs—that it did not forbid and effectually prevent the officers of a foreign power, the British admirals and commanders in the West Indies, declaring certain French colonies to be in a state of blockade! “ But the official legalization of a proclamation had been posted up under our eyes, prohibiting our commerce with the French colonies, and suspending *to us alone* the law of nations!” The answer to Mr. Fauchet, from the secretary of state, represents this matter differently. The British consul general at Philadelphia, by a publication on the 10th of April, 1795, gave notice that he had received official communications, that the islands of Gaudaloupe, Marigalente and Desirade were, by proclamation issued by his Britannic majesty’s general and vice admiral commanding in the West Indies, declared to be in an actual state of blockade; and that *neutral* (not singly *American*) vessels were thereby prohibited from attempting to enter any ports or places in those islands, with supplies of any kind, under the penalty of being “ dealt with conformably to existing treaties, and as warranted by the established laws of nations.” And while existing treaties (our treaty with Great Britain had no operative existence till six months after the consul’s advertisement) and the laws of nations were avowed to be the rules by which the property

of neutrals was in this case to be adjudged, had they reason to complain? If any neutral vessels attempted to enter any of those ports which were not in reality in a state of blockade, and yet were captured, could they be condemned? Certainly not by the rules which the British prescribed to themselves—"Treaties and the laws of nations." But if the British commanders proclaimed untruths, and issued arbitrary orders for capturing neutral vessels, and their cruisers and courts of admiralty executed them arbitrarily, could the American government prevent them? We could demand of the British government satisfaction for injuries to our own citizens consequent on such orders: and if any such were sustained, the arrangements for making reparation are now in execution. But admitting that any ports in the French colonies were in fact blockaded, who should notify it to neutral nations accustomed to trade with those ports? Certainly the officers of that power whose fleets and armies formed the blockade: and in the United States, no mode of giving universal notice could be so effectual as a publication in hand-bills and newspapers.

Ninth, "It eluded all the advances made by the republic, for renewing the treaties of commerce upon a more favourable footing to both nations; it excused itself on the most frivolous pretexts; whilst it anticipated Great Britain, by soliciting a treaty, in which, prostituting its neutrality, it sacrificed France to her enemies; or rather looking upon her as obliterated from the map of the world, it forgot the services she had rendered it, and threw aside the duty of gratitude, as if ingratitude were a governmental duty."

Of the advances referred to, the first were made by Mr. Genet. These you will see in the printed correspondence between him and Mr. Jefferson. Mr. Genet's letter is dated the 23d of May, 1793, in which he informed the government that he was authorized to propose a treaty on a "liberal and fraternal basis."* Mr. Jefferson's letter to Mr. Morris, our minister at Paris, dated the 23d of August, 1793, assigns the reason for postponing the negotiation.† "The senate (says he) being then in recess, and not to meet again till the fall, I apprised Mr. Genet, that the participation in matters of treaty, given by the constitution to that branch of our government, would of course

* State Papers, p. 15.

† State Papers, p. 68.

" delay any definitive answer to his friendly proposition.
 " As he was sensible of this circumstance, the matter has
 " been understood to lie over till the meeting of the senate."
 Congress were not to meet until December; consequently
 there was no necessity of precipitating the business. But,
 with the best dispositions to form new commercial arrange-
 ments, mutually more beneficial than those of the treaty of
 1778, the unwarrantable conduct of Mr. Genet, from the
 moment he landed at Charleston, until the date of his letter
 on the subject of the negotiation, was sufficient to excite
 caution in the American government. He had there vio-
 lated the sovereignty of the United States,* " by authoriz-
 "ing the fitting and arming of vessels in that port, enlisting
 " men, citizens and foreigners, and giving them commissions
 " to cruise and commit hostilities on nations at peace with
 " us," and with whom we had extensive commercial con-
 nections. " These privateers were taking and bringing
 " prizes into our ports, and the consuls of France were
 " assuming to hold courts of admiralty on them, to try,
 " condemn, and authorize their sale as legal prize." Ne-
 vertheless, the government really desirous of forming a new
 and more advantageous commercial treaty with France, in-
 structed the minister of the United States at Paris, to mani-
 fest the same to the executive of France, and to suggest,
 for this purpose, that the powers of Mr. Genet be renewed
 to his successor. It is true, that in his letter dated the 30th
 of September, Mr. Genet had renewed the proposition of
 negotiating a commercial treaty: but how was it possible
 for the government to undertake a negotiation with that
 minister, after " the correspondence which had taken place
 " between the executive and him," (a correspondence on
 his part replete with insults) " and the acts which he had
 " thought proper to do and to countenance, in opposition
 " to the laws of the land?" After the government had in-
 structed our minister at Paris to desire Mr. Genet's recal;
 and to declare to the government of France, " the necessity
 " of their having a representative here, disposed to respect
 " the laws and authority of the country, and to do the best
 " for their interest which these would permit: and when it
 " was only an anxious regard for those interests, and a de-
 " sire that they might not suffer, which induced the execu-
 " tive in the mean time to receive his communications in

* Mr. Jefferson to Mr. Morris, August 16th, 1793. State Papers, p. 58.

“ writing, and to admit the continuance of his functions
 “ so long as they should be restrained within the limits of
 “ the law, as heretofore announced to him, or should be
 “ of the tenor usually observed towards independent nations
 “ by the representative of a friendly power residing with
 “ them?” Under such circumstances, what answer could
 the executive return to Mr. Genet, more proper, and more
 marked with attention to France, than that his letter “would
 “ be considered with all the respect and interest which its
 “ *object* necessarily required?”

It is probable, that the powers to negotiate a commercial treaty were not renewed to Mr. Genet's successor; certainly they were not communicated to our government.

We now come to the fresh overtures of a commercial negotiation made by Mr. Adet.

The first notices of them are found in memoranda of facts dated the 27th and 29th of June, 1795, and subscribed by the secretary of state. By these it appears that on the 13th of June Mr. Adet arrived at Philadelphia. On the 15th, Mr. Fauchet introduced him to the secretary of state; on the 16th, Mr. Adet informed the secretary, that he should the next day send him some act of the French government relative to commerce: but it was not sent. On the 22d of June, Mr. Adet was reminded of the promised communication. He said it was copying, and gave reason to suppose that he should forward it on that day: but on that day nothing was received.

On the 29th of June, 1795, Mr. Adet had an interview with the secretary of state: he observed that he brought with him the commercial decrees which Mr. Genet had formerly propounded to our government, and was instructed to negotiate a treaty of commerce upon their basis. He was asked whether he had any documents to communicate. He replied that he would send them that day. He said he had to communicate some inquietudes respecting the late treaty between the United States and Great Britain. He observed that it was understood, that the United States had disabled themselves from entering into a new commercial treaty upon a liberal scale with France. The secretary answered, that he had determined before he came, to ask the permission of the president, to communicate to him a copy of the treaty; and then he might say in what part he supposed that any impropriety with respect to France existed. The president having afterwards assented, the secretary on the same day delivered

to Mr. Adet a printed copy of the treaty, on which he promised to communicate his remarks.

These remarks, dated June 30th, and the Secretary's answer, dated July 6th, refuting the objections they contained, I have already noticed. The subsequent proceedings will shew, either that those objections did not make any strong impressions on Mr. Adet's mind, or that the secretary's answer had removed them.

On the 30th June, 1795, Mr. Adet communicated a part of his instructions relative to "a new commercial treaty and a new consular convention, to be entered into between France and the United States." The instructions imported that he was only to "prepare with the American government the means and arrangement" of these treaties, and then to communicate them to the committee of public safety. The object of the new treaty was declared to be—"To found the commercial relations of the two republics upon stipulations *more reciprocally* advantageous, and more clearly worded than that of 1778, and the object of the consular convention to secure the execution of the commercial treaty."

The secretary of state answered on the 1st of July, expressing the readiness of the government to open the proposed negotiation; and requested a communication of the dates of the decrees to which Mr. Adet's instruction referred.

On the 8th of July, 1795, Mr. Adet replied to the secretary of state, "That he neither knew nor possessed any other decree, relative to the new negotiation to be opened between France and the United States, than that of the 5th* of February, 1793, communicated to us by citizen Genet." This letter of the 8th was received the 12th, accompanied by a note of the latter date apologizing for the delay on account of sickness. On the 12th, the secretary of state had written to him, *pressing him* on the subject of the new negotiation.

On the 16th of July, 1795, the secretary of state again wrote to Mr. Adet; and after informing him that as *he* was not clothed with any very formal authority upon this subject, the president of the United States had thought proper to

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* Mr. Adet has since corrected this date, the decree intended being dated February 19th, 1793. This is already published with the state papers of that year, page 15.

place *him (the secretary of state)* upon the same and no other footing—the secretary proposed that the negotiation should be conducted in writing, unless when either thought it expedient to have an interview on any particular difficulty. And then, assuring Mr. Adet that no unnecessary procrastination should be found in the secretary of state, further proposed, that Mr. Adet should state, 1st, The parts of the treaty which he wished to be abolished: 2d, Those parts which he wished to be corrected: and 3d, *Any additions* which seemed to him desirable: but expressed the readiness of the secretary to adopt any other better mode of conducting the negotiation, if such occurred to Mr. Adet.

On the 20th of July 1795, Mr. Adet, mentioning his sickness which for fifteen days had obliged him to abstain from business, replied on the subject of the negotiation in these words; “ in a few days I shall have the honour of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new treaty and new consular convention.”

From this detail, it must I conceive be no easy task to find any facts by which Mr. Adet’s charge can be supported. What he effects to call “ frivolous prettexts” are substantial reasons; and in respect to his own advances to treat, the conduct of our government manifests an *eagerness* to enter on the negotiation: certainly you will discover in it no disposition to elude or to procrastinate.

You will be pleased to observe, Sir, that the letter from the Secretary of State to Mr. Adet, explaining the manner in which they should proceed in the negotiation, is dated the 16th of July; and that Mr. Adet’s answer, agreeing shortly to meet the Secretary, in order to take the necessary measures for commencing the business, is dated the 20th of July; yet in his note of November 15th 1796, after having charged the government of the United States “ with eluding all advances made by the republic for renewing the treaties of commerce, and excusing itself on the most frivolous prettexts;” after acknowledging that the President had authorized the Secretary of State to negotiate, and that the latter had explained the manner of proceeding, he asks, “ but at what time? When the ratification of the treaty concluded between Lord Grenville and Mr. Jay no longer permitted the undersigned to pursue that negotiation.” I am sorry, Sir, in this place to call your attention to dates. The British treaty was not ratified until the

14th of August 1795, that is, about a month after the plan of negotiating with Mr. Adet had been proposed to him by the Secretary of State, and twenty-five days after he had agreed to proceed in it. And if that ratification finally induced him to abandon the idea of negotiating a new treaty between France and the United States, it did not instantly produce this determination. He doubtless perceived that his own objections to the British treaty were obviated by the answer from the Secretary of State; and when he acknowledged the receipt of it, he had given up the right of judging of the treaty, whether it was good or bad. "I shall," (says he, in his letter of July 20th, 1795) "transmit it" (the Secretary's answer) to the French government, together with my observations and the treaty. In such important circumstances, it is exclusively the province of my government to judge; and I cannot permit myself to decide at all." And then immediately adds—"In a few days I shall have the honour of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new treaty and new consular convention." The British treaty then did not obstruct the negotiation; the principles of which might have been agreed on, and the articles drawn into form to be submitted to the respective governments: for that was all the respective negotiators were authorized to do.

WILL the Ministers of the French Republic never cease to reproach us with "ingratitude?" If indeed "France wrought" as well as "guaranteed" the Independence of "the United States," as Mr. Adet asserts, "at a time when she might, as the price of that very Independence, have granted them less liberal conditions," our obligations are greater than we have hitherto imagined. But it is time that these claims to our gratitude were investigated, and their extent ascertained. We have citizens yet alive, who were actors and witnesses of the declaration of our Independence, and of the efforts to maintain it, with their effects, prior to our treaty with France. But laying no stress on our own recollections or consciousness, we will resort to the testimony of France herself.

France, by her Minister the Marquis de Noailles, having, in the declaration of the 13th of March 1778, which I have already quoted, announced to the Court of London the treaty of friendship and commerce she had formed with the United States; and that to maintain the commerce of his subjects with them, which was the object of that treaty, his Most Christian Majesty had “ taken eventual measures in “ concert with the United States of North America; that court published a justificative memorial, to vindicate to the world the war she had determined to wage against France. In the observations of the Court of France on this British Memorial, we find the following declarations on the part of France, * “ While the Ambassador of England put the “ King’s patience to the strongest proofs, and while the “ Court of London was constantly repeating denials of “ justice to his Majesty’s subjects, at the same time that the “ British officers continued to desolate them on the sea, an “ event came to pass in America which essentially changed “ the face of things in that quarter of the world. This “ event was the defeat of the army under general Burgoyne. “ The news of this unexpected disaster, which arrived in “ Europe in November, 1777, astonished the British mini- “ sters, and must have the more sensibly affected them, *as “ it overthrew the plan they had laid for the reduction of the co- “ lonies.*” The observations then suggest that this great event induced, in the British cabinet, the idea of conciliation with America, and of a coalition against the crown of France, in revenge for the supposed aid rendered by her to the United States; and to gratify “ their most dear and “ constant wish—that of humbling France †.” “ It was “ natural for the British ministry, *unable to subdue her colonies,* “ to seek to be reconciled to them, and to engage them to “ espouse her resentment. They might so much the more “ flatter themselves that they should succeed herein, as the “ proceedings of France with regard to American privateers, “ *and especially the dislike the king had at all times manifested to “ any engagement with the Congress,* must have given disgust “ and dissatisfaction to their deputies, and induce them, not- “ withstanding their well known aversion, to seek even in “ England, the safety of their country, when they failed to “ find it in France.”

‡ “ The King, well informed of the plan of the Court of “ London, and of the preparations which were the conse-

* Obf. p. 60.

† Obf. p. 64.

‡ Obf. p. 66.

“ quence of it, perceived that no more time was to be lost,
 “ if he would prevent the designs of his enemies: His Ma-
 “ jesty determined, therefore, to take into consideration, at
 “ length, the overtures of the Congress.”

* “ The Commissioners [from the United States] propos-
 “ ed to the King a treaty of amity and commerce, and an
 “ alliance offensive and defensive, by which his Majesty
 “ should engage not only to acknowledge simply and purely
 “ the Independence of the United States, but also to gua-
 “ rantee and defend it by force of arms. The King ordered
 “ an answer to be given, that he could indeed look upon the
 “ Independence of the United States as existing; but that
 “ it did not belong to him to acknowledge it, because he
 “ had not any right to judge of it; neither could he guaran-
 “ tee it, *as he did not intend to enter into a war for its support.*
 “ His Majesty in consequence refused an offensive alliance,
 “ and confined himself to the *treaty of amity and commerce.*
 “ But as it was more than probable that the Court of Lon-
 “ don HAD *formed the design of attacking France,* His Majesty
 “ thought he ought to enter into an alliance with the Unit-
 “ ed States *eventual and purely defensive.* The stipulations
 “ contained in this second treaty are in substance, that *if*
 “ *France should be attacked by the Court of London, before*
 “ *the cessation of hostilities between that Court and its Co-*
 “ *lonies, then the King and the United States should mu-*
 “ *tually assist each other against the common enemy: that*
 “ *the King should guarantee the Independence and Sove-*
 “ *reignty of the United States; and that he should not lay*
 “ *down his arms till it should be acknowledged by Great*
 “ *Britain.*”

Thus it is manifest that the United States were to be left still to fight their own battles, *unless Great Britain should choose to increase the number of her enemies by attacking France;* in which case it would be as truly the interest of France as of the United States to make it a common cause.

† “ This last treaty remained secret, because it was not
 “ in force at the time of concluding it; but that of com-
 “ merce was notified at the Court of London, March 13th,
 “ 1778.” The first words of the notification are these—
 “ The United States of North America, *who are in full pos-*
 “ *session of Independence,*” &c. The whole paragraph has
 “ been already quoted. The notification further expressed
 “ that the King being determined to protect effectually the

“ lawful commerce of his subjects, and to maintain the dignity of his flag, his Majesty has, in consequence, taken eventual measures, in concert with the United States of North America.” The Court of London chose to consider this notification as a declaration of war, of which they accuse the King as being the author, and represent him as the violator of laws, divine and human, &c. &c. “ The act, however, which has drawn upon the King such odious imputations, has, for its foundation, *two incontestible truths*; the first, *that at the period of the 6th of February, 1778, the Americans had the public possession of their Independence*; the second, that the King had the right to look upon this Independence as existing, without being obliged to examine the legality of it, and that no law forbade him to form connections with the Americans.”

The observations then reciting that the fruitless attempts of the Colonies to obtain redress from their Mother-country, in the mode of supplication, had induced them to league together to maintain their privileges sword in hand; and, soon after to publish the solemn act, whereby they declared themselves independent, say,—* “ This act, which is of the 4th of July 1776, induced the Court of London to give way to her resentment; she displayed her power to chastise the Americans, and to reduce them by conquest. But what has been the fruit of their efforts? Have they not served to *demonstrate* to America, to all Europe, and to the Court of London herself, her impotence, and the *impossibility of her ever hereafter bringing the Americans again under her yoke!*”—That she had given this demonstration to *America*, is evident by the manner in which Congress received the *conciliatory bills*, hastily sent from the Court of London, to America, and communicated by Lord and General Howe. Congress were then uninformed of the Treaties which their Commissioners had lately concluded at Paris. Yet confident in the strength and spirit of their Country, and of the inability of Britain to subdue it, they † resolved *unanimously* to reject these overtures for peace and conciliation, and to hold no conference or treaty with any Commissioners on the part of Great Britain, unless as a preliminary, they withdrew their fleets and armies, or in positive terms acknowledged the Independence of these States.

Again.—‡ “ It is sufficient for the justification of his Majesty, that the Colonies, which form a nation, confi-

* Obs. p. 73. † Journals of Congress 22d April, 1778. ‡ Obs. p. 77.

“derable, as well for the number of their inhabitants, as
 “for the extent of their dominion, *have established their*
 “*Independence*, not only by a solemn declaration, *but also in*
 “*fact*; and that they have supported it against the efforts
 “of their Mother Country. Such was, in effect, the situ-
 “ation of the United States *when the King began to negotiate*
 “*with them*. His Majesty had full liberty of considering
 “them as independent, or as the subjects of Britain: He
 “chose the first part, because HIS SAFETY, *the INTEREST of*
 “HIS PEOPLE, invariable policy, and above all, the *secret*
 “*projects* of the Court of London, *imperiously laid him under*
 “*the necessity*.”—The *secret projects* here referred to were
 those of reconciliation, on terms which might satisfy the
 United States, and produce a re-union and coalition for the
 purpose of *falling upon France*. To avoid the risk of this
 combined attack, to avoid greater danger in future, by pre-
 venting the possibility of uniting again the great portions of
 the British Empire, *separated in fact*, and thus essentially to
 diminish its power, were the avowed inducements with the
 Court of France, to consider the United States as Indepen-
 dent. Having stated these things, they * “ask if there is
 “a Sovereign who, in the same situation with his Majesty,
 “would not have imitated his example?”

Again—† “He (the King of France) had the right to
 “consider as independent the confederate inhabitants of an
 “immense Continent, who presented themselves to him with
 “this character; especially after their ancient Sovereign had
 “*demonstrated*, by efforts as continual as painful, *the impossibi-*
 “*lity of bringing them back to obedience*.”

‡ “To complete the justification of his Majesty, nothing
 “remains but to examine, whether what are called *Reasons*
 “*of State*, could have determined his Majesty to connect
 “himself with the Americans. To treat this question with
 “all the clearness of which it is susceptible, the political
 “interest of France must be viewed under two different re-
 “lations; the first respects the other powers of Europe;
 “the second respects Great Britain.”

“In treating with the Americans, *after they became inde-*
 “*pendent*, the king exercised the right inherent in his sove-
 “reignty, WITH NO OTHER VIEW *than to put an end to the*
 “*predominant power, which England abused in every quarter of*
 “*the Globe*.” The observations then suggest, that by this

* Obf. p. 78.

† Obf. p. 82.

‡ Obf. p. 88.

conduct the King has essentially watched over the interests of all the Sovereigns of Europe, * “ by contributing to restrain a power which has always carried to excess the abuse of her resources.”

The Court of London having charged the king of France with ambition, and the project of *demolishing* the power of England, by his engagements with the Americans, the observations declare, that † “ Nothing more will be discovered in them [his engagements with the United States] on the most accurate scrutiny, than a *diminution* of this power, a diminution which England has herself provoked, by a conduct the most unjust and most irregular, and which the tranquillity and happiness of Europe have for a long time required.”

‡ “ The most vigilant and consummate prudence could not devise adequate precautions against the enterprizes of such a power; so that the only means of being secured from it, was to *seize the opportunity of diminishing it.*”

|| “ It may then be truly said, that on examination of the conduct of the king—it was not only *just and lawful* but even *necessary*, as well for the *individual interest of France*, as for that of all Europe.”

I will trouble you with but one more extract from the justificatory observations of the Court of France.

¶ “ To deceive the other nations with regard to the real motives which have directed the conduct of the king, the British Ministry maintain, that he entered into treaty with the Americans, not because he feared the secret views of Great Britain, but because he foresaw that the Americans defeated, discouraged, without support, and without resources, were about to return to their Mother Country; and that there was not a moment to be lost in re-animating and confirming them in their opposition. It was without doubt, for the sake of this assertion, that the British Ministry have thought it beneath the dignity of their Sovereign to search for the period at which France formed connections with the United States; it might with greater truth be said that this research did not coincide with their plan of defence. The king is willing to spare the British Ministry a task so disagreeable and embarrassing, by observing for them, that the conversations which led to the treaties of the 6th of February 1778, *were considered*

* Obf. p. 89. † Obf. p. 90. ‡ Obf. p. 91. || Obf. p. 92. ¶ Obf. p. 95, 96.

“ *posterior* to the capitulation of General Burgoyne. Now
 “ it is notorious that this event elevated the courage and the
 “ hopes of the Americans, as much as it dejected the Brit-
 “ ish nation, and principally the Court of London. If then
 “ the King has listened to the propositions of Congress,
 “ *after this period*, so disastrous to the British, *it has not been*,
 “ *and could not have been for any other reason, but because he*
 “ *thought with the United States, that their Independence was*
 “ *thenceforward irrevocable.*”

In these extracts from the observations of the Court of France, we see an open avowal of her motives for entering into treaties with the United States during our revolution; but do such motives afford any strong claims to our gratitude; she rejoiced at the prospect of a final separation of the thirteen Colonies from Great Britain:—She saw them erected by their solemn declaration into Independent States: but during near three years of our contest she continued waiting for some fortunate event that should ensure stability and ultimate success to our enterprize. This event took place in the capture of a whole British army. “ Then the king
 “ listened to the propositions of Congress, because he thought
 “ with the United States that *their Independence was irrevocable.*” He then treated with the Americans *with no other view* than to put an end to the predominant power which England exercised in every quarter of the globe.” “ A
 “ *diminution* of this power (says the king) the tranquillity
 “ and happiness of Europe have for a long time required:”
 “ The only means of being secured from it, *was to seize*
 “ *the opportunity of diminishing it:*” and *he did seize it*, because
 “ HIS SAFETY, the INTEREST of HIS PEOPLE, invariable
 “ policy, and above all, the *secret projects* of the court of
 “ London, *imperiously laid him under the necessity.*”

After these repeated declarations on the part of France, that her only view in contracting engagements with the United States, was to diminish the British power, and thereby promote the safety and interest of her own people, and the tranquillity of Europe; very unexpected indeed are the modern claims of boundless and perpetual gratitude. Nevertheless, animated as we always have been with sincere desires to maintain those useful and friendly connections with France, which had their foundation in our revolution, we should have remained silent on these claims, had not the frequency and manner in which they have been urged, compelled their discussion. We are not now disposed to ques-

tion the importance of the aid we actually derived from France in the war of our revolution: nor to retract the grateful acknowledgments that all America has from that time offered to that nation: we were in the habit of expressing our *gratitude* to her for the benefits which we received, although they resulted from her exertions to advance *her own interest* and secure *her own safety*. But if those benefits had been rendered from *pure benevolence*, from *disinterested goodwill to us*, and we had been remiss in acknowledging them, is it the part of generosity, of magnanimity, constantly to upbraid the receivers of their favours with ingratitude? Do not such reproaches cancel the obligation? But if for favours apparently generous, *substantial returns* are demanded, the supposed liberal act degenerates, and becomes a mercenary bargain.

If such only are the motives for our gratitude towards France, at the commencement of her political and commercial connections with us, in the midst of our war with Great Britain, what more can we discover at the conclusion of that war? Let us examine.

In 1781, with the assistance of a French army by land and a powerful fleet by sea, a second British army was captured.

This event made even the British government despair of bringing the United States again under her subjection. The ministry was changed; and the parliament passed an act to authorize the king to make peace. In the summer of 1782, an agent, on the part of Great Britain, repaired to Paris to negotiate with the commissioners of the United States. For some time, Doctor Franklin and Mr. Jay were alone at Paris. The commission to Mr. Oswald (the British negotiator) authorized him to treat of and conclude a peace or truce with any commissioner or commissioners, named or to be named by the *colonies* or *plantations* of New Hampshire, &c. (naming the thirteen) or with any of them separately, with parts of them, or with any persons whatsoever. Mr. Jay was not satisfied with this commission to Mr. Oswald: the independence of the thirteen states was no where intimated.* Agreeably to their instructions from congress, to take advice of the court of France, the commissioners communicated Mr. Oswald's commission to the prime minister, the count de Vergennes. The count expressed his opinion that the commission was sufficient; that it was such an one as we might have expected it would be: "That an acknow-

“ ledgment of our independence, instead of *preceding*, must, “ in the natural course of things, be the *effect* of the treaty.” This opinion the count continued from time to time to repeat. In short, “ it was evident the count did not wish to see our “ independence acknowledged by Britain, until they had “ made all their uses of us.” Mr. Jay still continued unmoved. He conferred with Mr. Oswald, and “ urged in “ the strongest terms, the great impropriety, and consequently the utter impossibility, of our ever treating with “ Great Britain on any other than an *equal footing*; and told “ him plainly, that he (Mr. Jay) would have no concern “ in any negotiation in which we were not considered as an “ *independent people*.”

It was on this occasion that Mr. Oswald communicated to Mr. Jay this article of his instructions:—“ In case you find “ the American commissioners are not at liberty to treat on “ any terms short of independence, you are to declare to “ them, that you have our authority to make that cession: “ our ardent wish for peace disposing us to purchase it at the “ price of acceding to the complete independence of the “ thirteen colonies.”

The British ministry approved of this communication; but still were for *treating* with us as *colonies*, and making an acknowledgment of our independence *only an article of the treaty*. Mr. Jay’s discernment discovered the source of the backwardness, at this time, in the British court, to admit our independence *previous* to the negotiating of the treaty; and mentioned it with his reasons to Mr. Oswald; who, far from contradicting Mr. Jay’s inference, told him a fact which confirmed his opinion that it originated in the court of France, and was communicated to that of London by the British commissioner then in Paris, to treat of peace between France and Great Britain. Mr. Jay then explained to Mr. Oswald what he supposed to be the natural policy of the French court, and shewed him, “ that it was the interest “ of Britain to render us as independent on France as we “ were resolved to be on Britain.” Mr. Oswald was convinced. Mr. Jay reminded him of the several resolutions of congress, passed at different periods, not to treat with British commissioners on any other footing than that of absolute independence; and proposed to give to him in writing what he had before expressed in conversation—*his determination not to treat but on the footing of equality*. Mr. Oswald preferred having it in writing. Mr. Jay prepared the draught of a

letter, to be signed by him and Doctor Franklin, expressing their determination not to treat but on terms of equality, as an independent nation; and exhibiting the reasons of this determination. Doctor Franklin thought the letter "rather too positive, and, therefore, rather imprudent; for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace, after such a decided and peremptory refusal." Besides, the doctor seemed much perplexed and fettered by the instructions from congress—to be guided by the advice of the French court. Neither of these considerations affected Mr. Jay. For as to the first, he could not conceive of any event which would render it proper, and therefore possible, for America to treat in any other character than as an independent nation. And as to the second, he could not believe that congress intended they should follow any advice which might be repugnant to their dignity and interest.

Doctor Franklin's doubts prevented this letter being signed. Mr. Oswald was disappointed, and desired to see the draft. He saw it, and requested a copy of it. After taking time for consideration, Mr. Jay complied with the request. "For though unsigned, it would convey to the British ministry the sentiments and opinions he wished to impress; and if finally they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us. Besides, he could not be persuaded that Great Britain, after what the house of commons had declared, after various other acts of that government manifesting the intention to acknowledge it, would persist in refusing to admit our independence, provided they really believed that we had firmly resolved not to treat on more humble terms."

"With the copy of this draft Mr. Jay gave Mr. Oswald copies of the various resolutions of congress which evinced their adherence to their independence. These papers Mr. Oswald sent by express to London, and warmly recommended the issuing a new commission, to remove all further delay."

Mr. Jay having afterwards ascertained that the Count de Vergennes had sent a confidential agent to London, but whose journey was intended to have been a secret, for purposes evidently hostile to the interests of the United States, determined immediately to counteract the project, by an

agent on whom he could rely, to make to the court of London such representations as he thought the occasion demanded. He succeeded; and in about two weeks, Mr. Oswald received a new commission in the form for which Mr. Jay had contended.

Mr. Jay remarked, that agreeably to the declaration of Independence, the *United States*, as free and independent, had full power to levy war, *conclude peace*, contract alliances, &c. That by the act of confederation, the stile of the confederacy was declared to be, THE UNITED STATES of AMERICA, and by that act Congress were vested with the sole and *exclusive* right and power of determining on *peace* and war, and of entering into *treaties* and alliances: that being of right and in fact free and independent states, their representatives in Congress granted a commission to certain gentlemen of whom Doctor Franklin and he were two, *in their name* to confer, treat and conclude with ambassadors or commissioners *vested with equal powers*, relating to the re-establishing of peace, &c. But the first commission to Mr. Oswald was not equivalent: the *United States* were not named in it; nor *their* commissioners, who consequently were not the persons with whom Mr. Oswald was authorized to treat. And if the commissioners had consented to treat with Mr. Oswald under such a commission, what would have been the condition of the people of the United States in the interval, between the commencement of the negotiation and the conclusion of peace? they would have been *not independent citizens*; but by our own acknowledgment, *British subjects*! Mr. Jay would not consent to this degradation, after we had maintained our independence six years, after we had established it in fact, and after congress had by firm and repeated resolutions refused to treat with Great Britain, unless as a *preliminary*, she withdrew her fleets and armies or else *in positive and express terms acknowledged the Independence of the United States*. At the same time Congress manifested their readiness to attend to such terms of peace as might consist with the *honour of independent nations*; but the honour of an *independent nation* forbade their treating in a *subordinate* capacity. Even the dignity of France, who four years before treated with us as an independent nation, required that we should not degrade ourselves when going to treat with her enemy; and why then should her ministers desire us to do it? Especially when the treaty of defensive alliance declared the “essential and di-

“ rect end of it was to maintain effectually the liberty, sovereignty and *independence* absolute and unlimited of the United States, as well in matters of *government* as of “ commerce.” There were several reasons. The two parties, France and the United States, engaged not to lay down their arms until the Independence of the United States should be attained. The explicit acknowledgement of their Independence by Great Britain would show that for the essential and direct object of the alliance there was no necessity of continuing the war. But since making this treaty of alliance with the United States, France had formed *other connections*, with whose views we had no concern, and for whose sake we were not bound to postpone the offered peace. We have seen the explicit avowal of the King of France that he entered into a treaty with the United States with the view to promote the safety and interest of his kingdom and subjects, by diminishing the power of England: but in doing this, and eventually facilitating our Independence on Great Britain, it became apparent that there would be no objection to our dependence on France, particularly in “ leaving the King master of the terms of the treaty of “ Peace.” And to keep us thus far dependent was manifestly the object of certain measures of the French Court calculated to deprive the United States of an immense Western Territory; of the navigation of the Mississippi, and of the fisheries, except on our own coast.

A combination of facts and circumstances leave no doubt of the intentions of the French court, as to the objects above-mentioned. I cannot undertake the lengthy detail, and will only just mention in regard to *territory*, what was proposed and urged by one whose official station rendered it impossible to believe, that he was expressing only his own sentiments; or that he was not acting by the direction of the French court. He proposed, what he called a conciliatory line between the United States and Spain. This was to begin at the division of East from West Florida, and run thence to fort Toulouse on the river Alabama, thence by different courses to Cumberland river, and down the Cumberland to the Ohio. It was insisted that the United States could have no pretensions westward of this line. That “ as to the course and navigation of the Mississippi, they followed the property, and would belong therefore to the “ nation to which the two banks belonged: the United “ States could have no pretensions, not being masters of

“ either border of the river:” and that “ as to what respects the lands situated to the northward of the Ohio, there was reason to presume that Spain could form no pretensions thereto: their fate must be regulated with the court of London.” It is certain that originally, Spain made no pretensions to any lands eastward of the Mississippi to the northward of the Floridas; and it is clear that the idea of her finally making the claim, was suggested by the court of France.

We are now prepared to understand the declarations made in the instructions to citizen Genet, minister plenipotentiary from the French Republic to the United States. These instructions are dated the 4th of January, 1793, and were published in December of that year, in Philadelphia, by Mr. Genet, in vindication of his extraordinary measures, which had induced our government to desire his recall. In these instructions we find the following passages. “ The Executive Council has called for the instructions given to citizen Genet’s predecessors in America, and has seen in them, with indignation, that at the very time the good people of America expressed their gratitude to us in the most feeling manner, and gave us every proof of their friendship, Vergennes and Montmorin thought that it was right for France to hinder the United States, from taking that political stability of which they were capable; because they would soon acquire a strength, which it was probable, they would be eager to abuse.” “ The same Machiavelian principle influenced the operations of the war for independence: *the same duplicity reigned over the negotiations for peace.*”

We see then, that in forming connections with us in 1778, the court of France, the actual organ of the nation, had no regard to the interest of the United States: but that their real object was, by seizing the occasion of dismembering the British empire, to diminish the power of a formidable rival; and that when after we had carried on a distressing war for seven years, the great object for which we had contended, independence was within our reach, that Court endeavoured to postpone the acknowledgement of it by Great Britain, and eventually to deprive us of its fairest fruits—a just extent of territory, the navigation of the Mississippi, and the fishery.

Such being the motives and conduct of France what inspired our truly grateful sentiments towards that nation?

The ardent affection, the sincere friendship of Americans to Frenchmen? We were engaged in a common cause against Great Britain.—We received loans of money—We were aided by troops and ships in attacking and conquering the common enemy in the bosom of our country; and this association in war produced acquaintances and personal friendships: and experiencing these benefits, we gave way to our feelings, without enquiring into the motives from which they were rendered.

But why are we so often reminded of the debt of gratitude? Is it really because more than *gratitude*—because *compensation* is expected to cancel it? If compensation is the object, the treaty of alliance has absolved the claim—"The contracting parties declare, that being resolved to fulfill, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, *there shall be no after claim of compensation*, on one side or the other, whatever may be the event of the war."

I am here naturally led to notice Mr. Adet's charge already mentioned—*That we have not offered to France the succours which friendship might have given, without compromising the government.*

If Mr. Adet had specified the kind of succours which might thus have been offered, we could better judge of the correctness of his assertion.

But is it true that we have rendered no succours to France? Read the following passages in the Secretary of States' letter of the 16th of August, 1793, to Mr. Morris. "We re-
" collect with satisfaction, that in the course of two years,
" by unceasing exertions, we paid up seven years arrearages
" and instalments of our debt to France, which the inefficacy of our first form of government, had suffered to be
" accumulating; that pressing on still to the entire fulfillment of our engagements, we have facilitated to Mr.
" Genet, the effect of the instalments of the present year
" to enable him to send relief to his fellow citizens in
" France, threatened with famine; that in the first moment of the insurrection which threatened the colony
" of St. Domingo, we stepped forward to their relief
" with arms and money, taking freely on ourselves the
" risk of an unauthorized aid, when delay would have
" been denial;—" that we have given the exclusive admission to sell here the prizes made by France on her ene-

“ mies in the present war, though unstipulated in our treaties, and unfounded in her own practice or in that of other nations, as we believe.”

To this detail I have to add, that of all the loans and supplies received from France in the American war, amounting nearly to fifty-three millions of livres, the United States under their late government had been enabled to pay not two millions and a half of livres; that the present government, after paying up the arrearages and instalments mentioned by Mr. Jefferson has been continually anticipating the subsequent instalments, until in the year, 1795, the whole of our debt to France was discharged, by anticipating the payments of eleven millions and a half of livres; no part of which would have become due until the 2d of September 1796, and then only one million and a half; the residue at subsequent periods; the last not until the year 1802.

There remain yet various passages in Mr. Adet's notes on which some observations are to be made.

In my letter of the 1st of November last, in answer to Mr. Adet's note of October 27th, in which he communicated the decree of the executive directory of the 2d of July last, declaring that the flag of the republic of France should treat the flag of neutrals in the same manner as these shall suffer it to be treated by the English,—I asked an explanation of the decree; mentioning the circumstances which excited doubts. There seemed to be sufficient cause for enquiry. Had the decree referred to the *past* captures by the English, our knowledge of *them* would have been some guide in forming our opinion of the threatened captures by the French: but the operation of the decree was to depend on the *future* conduct of the English: the French were to treat the flag of neutrals as these *shall* suffer it to be treated by the English. As this could not be ascertained before hand, we wished to know whether the restraints then exercised by the British government, were considered as of a nature to justify a denial of those rights which were pledged to us by our treaty with France? Whether the orders had actually been given to capture the vessels of the United States? And if given, what were the precise terms of those orders? Mr. Adet, in his reply, says that I appear not to have understood either the decree of the directory or his note which accompanied it. The meaning of the decree is certainly not very obvious. The manner of executing it was declared to depend on a contingency—the future conduct of the English.

How were French cruizers in the four quarters of the world to determine what was the conduct of the English at any given time? If he could have furnished a copy of the orders actually given to French armed vessels, under the decree, we might have seen clearly what were the intentions of the directory. If we are to take the practice of the French armed vessels, and of some of the French tribunals, as the true illustration of the decree, Mr. Adet's own explanation will be very defective. He has specified only two cases—the taking of English (or other enemy's) property on board American vessels, and the seizure of all the goods classed as contraband in our treaty with Great Britain. In the case of contraband goods, the seizure of them is lawful only when they are destined to the ports of their enemies; and the *contraband goods only* are liable to confiscation. But the special agents of the directory in the West Indies, order the seizure of all vessels having on board contraband goods, no matter whether destined to an enemy's, or to a neutral, or even to a French port; and when seized, they confiscate not merely the contraband articles, but all other goods, and the vessel herself in which they are laden. They also assign, in their decrees of confiscation, another cause of capture and condemnation—that the American vessel has sailed to or from a port in possession of the English. We are not informed that the English take any neutral vessels for this cause. We have heard of several American vessels being captured and confiscated by the French, merely because they had not a sea-letter, when no doubt could have been entertained of the property being American. Yet it is conceived, that the want of a sea-letter was never intended to exclude other proofs of property.

Further, ought we to have imagined, that the executive directory intended to leave it to the discretion of every privateer, and of every inferior tribunal, to judge what, at any time *subsequent* to their decree, was the *actual* treatment received by American vessels from the British? Ought we to have imagined, that the decree was formed in such indefinite terms on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression? Ought we to have imagined what Mr. Adet has himself declared to be the meaning of the decree, that the French armed vessels were not to content themselves with capturing American vessels having English property or contraband goods on board, and getting such property and goods condemned

by their tribunals; but if any English commanders were to practise "*vexations*" towards Americans, that Frenchmen were to do the same? Ought we to have imagined, that the Directory intended the citizens of France should be encouraged to take revenge on their friends for the outrages of their enemies? and what is to limit these vexations? If one English commander in a hundred, perversely and wantonly abuses his power, is every French officer to become his rival in dishonour? or if we are to suffer only measure for measure (and surely the decree goes not beyond this) who is to designate the every hundredth French officer who is to be the instrument of similar oppression?

But French armed vessels are to make all these captures in violation of the treaty, and we are to suffer all these vexations in violation of reason and humanity, while we endure them from the English "without an efficacious opposition!" And what opposition will be deemed *efficacious*? For all captures made by the British contrary to the law of nations we have, agreeably to that law, demanded satisfaction. The British have engaged to make us satisfaction; and commissioners are now sitting to liquidate those demands. What opposition could have been more efficacious? what further opposition can be lawful?

Instead of further comments on this subject, let me present to you some passages in Mr. Adet's letter of the 14th of July 1795. In this letter he communicated to the Secretary of State the decree of the Committee of Public Safety of the * 3d January 1795, repealing the 5th article of the Decree of the † 15th of November 1794. The latter violated our treaty by subjecting the property of the enemies of France on board American vessels to capture, and by adding to the list of articles contraband: It was therefore repealed by the former. Mr. Adet seized this occasion to make the following declaration. "You will see, Sir, (said he) in both [the decrees] the undisguised disposition and sincere desire of the French Government religiously to observe the engagements it has contracted with its allies, and its readiness to redress infractions which have never taken place but from the impulse of circumstances." "It is amidst her triumphs that the Republic loves to give this striking mark of its fidelity. Victorious France knows no other concern than that of Justice,—no other diplomatic lan-

* 14 Nivose, 3d Year.

† 25 Brumaire 3d Year.

“guage than that of truth.”—To this truth, to this justice, to this fidelity we now make our appeal.

From the stile of Mr. Adet’s complaint of the British being *suffered* to arm in our ports, it might be imagined the instances were numerous. None were *permitted*: the *actual* armaments were few: and are as old as the year 1793, and were represented by Mr. Genet to the Secretary of State. “What answer (asks Mr. Adet) did the Government give to the representations of the Minister of the French Republic in this respect? It said that these vessels sailed too suddenly; that it was not able to cause them to be stopped.” The answer was given by the Secretary of State in different words. * “Those from Charleston and Philadelphia have gone off *before it was known* to the Government, and the former indeed in the first moments of the war, and before preventive measures could be taken in so distant a port.” In the case of the Trusty, Captain Hale, at Baltimore, the Governor of Maryland having been informed that she had been *buying guns* had given orders to examine the fact; “but she got off before the officer could get on board, having cleared out three or four days before.”—I have not observed that Mr. Genet ever renewed his complaint with regard to any of these vessels; whence I suppose he was satisfied with the answer: as indeed he ought to have been. The two English vessels that sailed from Philadelphia escaped even the vigilance of the French Consul† both had departed many days before he had been informed of them. This is stated by the Consul himself in his report of the 21st of June, 1793, to Mr. Genet. And yet the Government is now charged by Mr. Adet with violating the Treaty, because it did not stop them!—Although the officers of the United States had been required to be watchful, and to report all illegal armaments in our ports, yet it was natural for the Government to expect to derive information from the French Consuls, who doubtless were charged by their own Government to be particularly vigilant in regard to all attempts at such armaments by the enemies of the Republic. Mr. Adet remarks, that “some inhabitants of the United States had aided in these illegal armaments” of the enemies of France: and asks “what measures were taken against them? Was any search made to discover them—to prosecute them? Never.” Yet the very letter

* State papers, p. 41. June 30, 1793. † State papers, p. 41.

from Mr. Genet to the secretary of state, in which and its enclosures Mr. Adet has found this subject of complaint, suggests a different conclusion—* “ I learn with pleasure “ (says Mr. Genet) by your letter of the 23d of this month, [June, 1793] that the government of Georgia have caused “ to be stopped a vessel armed in that state, for the purpose “ of cruising against the French, *and that the persons interested “ in this vessel will be prosecuted.*”

I shall say but a few words on the subject of the letters of which Mr. Adet complained that they remained unanswered. The first (of September 29th, 1795) contained those reproachful insinuations which were recited in my letter of the 1st of November last. Why were these introduced by him if they were not to be applied? An answer was draughted on the subject of his letter, with animadversions on those insinuations : but desiring to avoid irritations, the answer was not sent. It was deemed of the less consequence, seeing in my letter to Mr. Monroe of the 12th of September, 1795, the sentiments and reasonings of the government on that and other subjects relating to France, had been fully expressed, to enable him to make immediate communications to the French government itself; and it was hoped that the information given in that letter, and in others written to him the preceding summer, would have furnished materials (and that these materials would have been timely used) for such representations as would have satisfied the French government, that the United States, in forming the treaty with Great Britain, had only exercised an indisputable right; and neither by that treaty nor any other act had infringed a single article of our treaties with France.

On the subject of the impresses of our seamen, mentioned in Mr. Adet's letters of March and April, 1796, I shall only add, that nothing was more notorious than that those impresses had excited universal resentment in the United States, and been the subject of repeated remonstrance from our government to the British court. Thus in Mr. Pinckney's note to Lord Grenville, in August, 1793, which was published here that year, in the same collection of state papers with Mr. Jefferson's letter of September 7th,† which Mr. Adet has quoted, and on the fifth page next succeeding it, we find the following: “ Under this head it may be observed, that for want of arrangements being made for the

* State papers, page 40. † Mr. Adet by mistake dates it September 13th.

" security of American seamen in the ports of this country, (England) they are subject to the various hardships Mr. Pinckney has *so frequently detailed* to Lord Grenville. And in the next page, in his letter to Mr. Jefferson, Mr. Pinckney says: The protection afforded our seamen remains also on the same footing; they (the British government) profess a willingness to secure to us all real American seamen, when proved to be such; but the proof they will not dispense with." To remove as far as possible the embarrassments arising from this cause, and more effectually to protect our seamen, was the object of a bill pending in congress, and the subject of public debate, at the time I received Mr. Adet's letters. This bill was passed into a law.

All these acts demonstrated that the government did not assent, but on the contrary that they resisted the impressment of American seamen: and this resistance has been continued; consequently, we cannot be charged on this ground with a violation of our neutrality.

Among the former subjects of complaint not now renewed by Mr. Adet is that against the Government for permitting the purchase and exportation of horses, by British Agents, in the course of the last Winter and Spring. The correspondence on this subject is lengthy; and yet the question lies within a very narrow compass.

Perhaps no rule is now better established, than that neutral nations have a right to trade freely with nations at war; either by carrying and selling to them all kinds of merchandize, or permitting them to come and purchase the same commodities in the neutral territory; in the latter case, not refusing to one power at war what it permits another to purchase; with this exception in respect to articles contraband, that if the cruisers of one of the belligerent powers meet at sea with neutral vessels laden with such articles destined to the ports of their enemies, the neutral vessels may be captured, and the contraband goods will be lawful prize to the captors; but the residue of their cargo and the vessels themselves are to be discharged.

But if there were any doubt on this point under the law of nations, there can be none in relation to France and the United States; because this matter is specially regulated by their treaty of commerce. This treaty, so far from *restraining* the trade of either party remaining neutral, while the other is engaged in war, *provides regulations agreeably to which it should be conducted.*

The 12th and 13th articles authorize either party that is at war, to stop the neutral merchant vessels of the other, destined to the ports of an enemy, upon just grounds of suspicion, concerning the voyage or the lading. If, on examining the ships' papers, it appears there are any contraband goods on board "consigned for a port under the obedience of his enemies," she may be carried into port, and the contraband articles may, by regular proceedings in the admiralty, be confiscated: "saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize." It further provides, that if the master of the neutral ship shall be willing to deliver the contraband goods to the captor, and the latter receives them, then is the neutral ship to be forthwith discharged and allowed freely to prosecute her voyage. The 23d article goes further—if the neutral ship shall have on board the *enemies* of the other, "they are not to be taken out unless they are *soldiers in actual service*."

These articles are so explicit, it may seem strange that a doubt should arise concerning them; I presume no doubt did arise: for Mr. Adet, overlooking those provisions of the Treaty demanded that the government should stop the exportation of Horses by the British, upon the principle that it was a neutral duty, required by the law of nations. An answer was given to his demands, in which the regulations of our treaty with France were particularly brought into view, as well as the Rules of the law of nations. Mr. Adet, however after some time renewed his claims; but again kept the Treaty out of sight. An answer was given to the renewed claims; and we heard no more on the subject until the French privateers in the West-Indies began to capture American vessels which had *Horses* on board: you will find among the documents on this subject the copy of a decree of the Citizens Victor Hugues and Lebas, the special agents of the Executive Directory in the windward Islands, condemning an *American vessel* and her *entire cargo* for having a small number of *horses* on board—not bound to their *enemy's* but to a *neutral* port. And these special agents ground their decree on *the advice they received from Mr. Adet*, under the date of 14th Messidor, being July 2d, 1796. This vessel and cargo were thus condemned without the sight of a sin.

the paper belonging to her: the master had then in his pocket, and would have brought them home, but for the recollection of the interpreter, some hours after the sentence of condemnation had been passed. These citizens exercise indeed a very brief authority. The process in the case of a second American vessel, which to complete her lading had taken on board nineteen horses, but which was also bound to a neutral port, was in this form. The Captain having come before one of the Agents, he without any previous examination or hearing, addressing himself to the Captain, pronounced sentence, in these words—"I have confiscated your vessel and cargo"—closing the sentence with opprobrious language.

Mr. Adet, on the 18th of May last revived his predecessor's claim of *right* by treaty to sell their prizes in our ports. This occasioned the correspondence on this subject which you will find among the documents collected on this occasion. He contents himself, however, with considering it as a right granted not positively, but by *implication*. That is, because the Treaty *forbids* the *enemies* of France to sell *their* prizes in our ports—therefore it *grants* to *her* a right of selling *her* prizes. As if my friend's *denial* of a favour to my *enemy*, was in fact a *grant* of the same favour to *me*. The simple statement of the ground of the claim would seem sufficient to shew that the Treaty will not support it. That sales of French prizes have been at all permitted, has been owing to the *indulgence* of the government. This indulgence was continued until it interfered with a new positive obligation: an obligation precisely the same that France herself contracted eight years *subsequent* to her treaty with us, *and with the same power*. This obligation is found in the 24th article of our Treaty and the 16th of the French Treaty, with *Great Britain*. Thus France and the United States alike engaged to permit no enemy of Great Britain to arm privateers in their ports, *or to sell their prizes there*, or in any manner to exchange them. Consequently had France remained at peace and we engaged in a war with Great Britain, our privateers would not be permitted to sell their prizes in French ports.

And by the maritime law of France,* prizes, except they are taken from her enemies, can stay in her ports no more than twenty-four hours, unless compelled by tempest to remain longer; and the sales of such prizes are forbidden under severe penalties. But notwithstanding the certainty of

* Valin, Vol. 2, p. 272.

our right to forbid the *sales* of prizes in our ports, and notwithstanding the express legal command of the Chief Justice of the United States holding a Circuit Court in South-Carolina, in May last, prohibiting the sale of a particular prize (the British ship *Amity*) at Charleston—the French Agents sold the prize *vessel* and the sale received the formal sanction of the *French Consul*. Yet even this affair has been made a subject of complaint by Mr. Adet, because the Collector of that port refused a clearance to the prize vessel thus sold in defiance of the authority of the United States; and because he also delayed, until, in a new case, he should get advice to permit the exportation of the cargo of the prize ship which on a survey had been reported to be irreparable.

Indeed the French Minister has discovered an aptitude to complain. I may cite as instances his letters of the 9th January and 3d of March 1796: the former because the colours of France, which he had presented to the United States, were not permanently fixed and displayed before Congress: the latter, because some Printers of Almanacs or other periodical publications in the United States in arranging the names of the Foreign Ministers and Agents resident among us, had placed those of Great Britain before those of France and Spain. Mr. Adet desired my declaration in writing that the government of the United States had no concern in printing the works in which the agents of the French Republic were registered after those of Great Britain, and that the works themselves might be suppressed. I gave him an answer in writing with my consent to his publishing it in the newspapers, agreeably to his request. The answer states, that in matters of this kind the government did not and could not interfere. With regard to the colours, I must observe that in what concerns our foreign relations, the President being the sole representative of the people of the United States, they were properly presented to him. He received them with all possible respect and directed them to be deposited with our national archives, that both might be preserved with equal care.

It remains to notice a summary of complaints exhibited by M. De la Croix, the French minister for foreign affairs, to Mr. Monroe, our minister at Paris under the date of March 9th, 1796: to which the latter returned an answer, under the date of March 15th. These were inclosed in Mr. Monroe's letter of the 2d of May and received at the department of State on the 19th of July. Copies of both papers and an extract of so

much of his letter as relates to this subject are among the documents now collected.

First complaint—the inexecution of treaties. 1st. The courts of justice have taken and still take cognizance of prizes brought by French privateers into the ports of the United States.

2d. English ships of war have been admitted into those ports, even in cases prohibited by the 17th article of the treaty: that is, when they have made prizes on the French Republic or its citizens; and have also conducted thither their prizes.

3d. The consular convention has in two points become illusory—1st. For want of giving to the consuls the means of having their decisions executed in all disputes between Frenchmen, of which the consuls have the exclusive cognizance: 2d. Because the judge charged with issuing warrants for apprehending French mariners who desert, require the original roll of the crew to be first produced: 4th. The arrest of the corvette *Le Cassius* and her captain.

Second complaint—The impunity of the outrage committed on the Republic in the person of its minister, the Citizen Fauchet, by the English ship *Africa*, in concert with the vice-consul of that nation, within the waters of the United States.

Third complaint—"the treaty concluded in November 1794, between the United States and Great Britain."

Excepting the second complaint, relative to the attempt of the English ship *Africa* to seize Mr. Fauchet and his papers—and the 3d article under the first complaint relative to the consular convention, all the charges in this summary have been already examined, and we think proved to be unfounded.

As to the Consular Convention, many inconveniences would attend the giving to the Consuls a jurisdiction to the extent contended for on the part of the French Republic, to be exercised by French Consuls in the United States, and consequently by American Consuls in France. The inconveniences are manifestly so great as to require very explicit language in the convention of the two nations on this subject, to authorise the conclusion that such enlarged jurisdiction was intended. It would be to erect in foreign countries, complete courts of justice, with effectual process to compel the appearance of parties and witnesses, and to execute their decisions. And as the transactions in commerce and navigation could not in the nature of things be confined to the foreigners a-

lone, the citizens of the country must often be necessary witnesses to those transactions, and of course rendered amenable to this foreign jurisdiction in their own country; whereas the jurisdiction demanded is only of French consuls over French citizens in the United States; and reciprocally of American consuls over the citizens of the United States in France. From these considerations a presumption would arise, that the jurisdiction contemplated in the consular convention was to be merely *voluntary*, but at the same time *exclusive of the courts of the country*. An examination of the convention we believe will support this and no other construction. The 12th article provides that all differences and suits between Frenchmen in the United States, and between citizens of the United States in France, and particularly all disputes between seamen and their captains, and between captains of different vessels of their nation shall be determined by the respective consuls, either by a *reference to arbitrators*, or by a summary judgment and *without costs*. "No officer of the country, civil or military shall interfere therein, or take any part whatever in the matter."—This last clause alone would seem sufficient to repel the claim we are considering. Sheriffs, marshals, and their deputies cannot aid in the execution of consular decisions, because they are "officers of the country," expressly forbidden to "take any part in the matter." But was it meant that the laws should give consuls the power to appoint such executive officers of their own nation? We find no such thing in the convention. On the contrary in the case of deserters from vessels mentioned in the 9th article, whom the consuls are authorized to cause to be arrested they are expressly directed to apply in writing to the "courts, judges and officers, competent" to make the arrests; meaning the courts, judges and officers of the country where the consuls reside. Besides, if power could be given to consuls to appoint officers to execute their decisions, these officers must of course have their fees of compensation to be paid by one or other of the parties: but the 12th article declares that the consular judgments shall be "without costs."—To these observations I subjoin the deliberate opinions of two respectable lawyers, Mr. Harrison of New-York, and Mr. Bradford, the late Attorney General of the United States. "I have considered the 12th article of the convention between his late most Christian Majesty and the United States of America, and also the act of Congress concerning consuls and Vice consuls, as far as it prescribes the duty of Marshals of the

“ United States, and it is my opinion that the Marshals are
 “ not bound by law to execute any sentence of a French con-
 “ sul, arising under the said article.

RICHARD HARRISON, Attorney U. S.
 for the New-York District.

“ *New-York, 6th March, 1794.*

“ I have considered the convention and act above referred
 “ to, and I perfectly coincide in the opinion given by the at-
 “ torney of the United States for the district of New-York.

WILLIAM BRADFORD.

“ *Philadelphia, 14th March, 1794.*

The other complaint under this head is, that the Judges who are charged (by an act of Congress) to issue warrants of arrests against deserters from French vessels have required the *original* ship's roll to prove that the men alledged to have deserted were a part of the crew; in contempt of the 5th article which admits in the tribunals of both countries copies certified by the consul.

If we look at the 9th article of the consular treaty we shall see that the consuls who demand the arrests of deserters from vessels of their nation, must prove “ by an exhibition of the “ registers of the vessel or ship's roll, that those men were a “ part of the crew.” It is apparent that the original roll, and not a copy is here referred to; nor indeed is the contrary pretended: but it is said that the 5th article admits certified consular copies as evidence in the courts of both nations. But the 5th article appears to have no relation to the subject of the 9th. It stipulates that “ the consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all other acts which the captains, masters, crews, passengers and merchants of their nation may choose to make there, even their testaments and other disposals by last will: and the copies of *the said acts*, duly authenticated by the said consuls, under the seal of their consulate, shall receive faith in law, equally as the originals would.” The ship's roll (or shipping paper) of a vessel's crew is not an act to be done before the consul, but the evidence of a private agreement between the captain of a vessel and his crew; and when he alleges that any of them have deserted, the 9th article requires this original evidence of the fact to be produced to the judge as the ground on which he shall issue his warrant to arrest them. And this is the construction put on this article by the judges; and for aught I

know, without any diversity of opinion. The difference alledged by Mr. Fauchet in one of his letters to the Secretary of State I have inquired into, and find he was under a mistake. And the mistake arose probably from this circumstance, that when from the information of the consul there was danger that the deserter would wholly escape unless instantly apprehended, the Judge has issued his warrant to arrest and bring before him the alledged deserter, but when brought, that Judge has not committed the man, or delivered him to the Consul, unless the original roll was produced to prove him one of the ship's crew.

As to the outrage against Mr. Fauchet by the Africa man of war, in attempting to seize him and his papers within the jurisdiction of the United States, and Captain Home's insult on their authority. I do not know what measures more efficacious could have been taken by the Executive than those which were adopted, to obtain satisfaction. After waiting a reasonable time for explanations on the part of Captain Home, and of Mr. Moore the English Vice-Consul, and receiving none, the President revoked the Exequatur of the Vice-Consul, and desired the Governor of Rhode Island, where the Africa had been lying, to communicate to Captain Home the demand of the President—That he should immediately remove from a station within the jurisdiction of the United States where he had violated their rights; and further to make known to him, that in forty eight hours after the requisition should be communicated to him all intercourse between the citizens of the United States and his ship would be forbidden.

It is very true that the Exequatur of the British vice-consul was withdrawn expressly for his knowingly transmitting to the Governor of Rhode-Island a most insulting letter from Captain Home: because although he was on board the Africa when the attempt was made against Mr. Fauchet, the President had no evidence of his co-operation. The minister of the United States in London, was directed to represent to that Court the conduct of Captain Home, and to demand his exemplary punishment. It was not to be expected that he would be judged unheard; and consequently much delay must have ensued. From her station on the coast of North America, the Africa went to the West-Indies. Seeing some time since, by an article in the newspapers that the Africa was returned to England, our minister in London was reminded of this affair, that the demand of satisfaction might be renewed.

Although the subject of M. De la Croix's 3rd and last complaint (the British Treaty) has been already discussed, allow me here to make a few remarks. He says "it will be easy to prove that the United States, in this treaty have knowingly and evidently sacrificed their connections with the Republic, and the most essential and least contested prerogatives of neutrality,"—The *reverse* of what the minister considers so *easy to prove*, we think has been *demonstrated*. Our legally binding connections with France we always considered as being formed by our treaties : and we say with confidence that we have not "knowingly" violated these in a single article. If individuals have at any time infringed them, the government has been sincere and diligent in its endeavours to redress the wrong. If the ties of affection, of warm enthusiastic friendship, have been weakened, the cause is to be sought for, not in the acts of the American government, which have been constantly directed to the preservation of our peace with all nations. These ties did not depend on treaties. It was our friendship to France, contracted during *our* revolution, and our partiality for the cause of liberty and self government for which she engaged in *her own*, that made us endure numerous injuries almost without complaining. We were not willing to ascribe to the Republic, the outrages of her ministers against the laws, the sovereignty, and the dignity of the United States, or the exceptionable style of their communications. Even when for such flagrant aggressions, often repeated, we desired the recall of one of her ministers, it was done in the most soothing language ; and in the mean time, lest the interest of the Republic should suffer, he was permitted to exercise his functions in all cases in which those interests could be affected. When his successor arrived he officially requested that the offending minister might be apprehended, that he might be sent to France : but the government, satisfied by his removal, declined the measure. Some irritations were experienced from that successor—what sensations have been produced by Mr. Adet's notes your own feelings, on the perusal, will enable you to judge. If he intended to excite the general indignation of our citizens, he is not disappointed : but it is presumed this was not the object. After an exhibition of complaints in a style so exceptionable, he could add but one more improper act, that of publishing his notes in the newspapers : he had scarcely transmitted them to the Executive, before he forwarded them to the printer for publication.

From the foregoing statement we trust it will appear, that there has been no attempt in the government of the United States to violate our treaty or weaken our engagements with France: that whatever resistance it has opposed to the measures of her agents, the maintenance of the laws and sovereignty of the United States, and their neutral obligations, have rendered indispensable. That it has never acquiesced in any acts violating our rights of interfering with the advantages stipulated to France; but on the contrary has opposed them by all the means in its power: that it has withheld no succours from France that were compatible with the duties of neutrality to grant: that as well by their independent political rights as by the express provisions of the commercial treaty with France the United States were at full liberty to enter into commercial treaties with any other nation, and consequently with Great Britain: that no facts manifesting a partiality to that country, have been, and I add, that none such can be produced.

Of the propriety and justice of these conclusions you will endeavour to satisfy the French government: and conscious of the rectitude of our own proceedings, during the whole course of the present war, we cannot but entertain the most sanguine expectations that they will be satisfied. We even hope that this has been already accomplished; and that you will be saved from the pain of renewing a discussion which the government has entered upon with regret. Your mission and instructions prove its solicitude to have prevented this necessity, and the sincerity of its present hopes, that your endeavours, agreeably to those instructions, "To remove jealousies and obviate complaints, by shewing that they are groundless—to restore confidence so unfortunately and injuriously impaired—to explain the relative interests of both countries, and the real sentiments of your own,"—have been attended with success. And as a consequence thereof we rely on the repeal of the decrees and orders which expose our commerce to indefinite injuries, which militate with the obligations of treaties, and our rights as a neutral nation.

I have the honor to be with great respect

Sir,

Your most obedient servant,

TIMOTHY PICKERING.

The House resolved itself into a Committee of the whole on the subject of farther revenues. Mr. Dent in the chair.

Mr. Swift said, he had all along been opposed to a system of direct taxation, believing it possible to raise the revenue wanted from indirect sources, and being determined never to have recourse to direct taxes, unless the situation of the country was such as to make it necessary to apply to that source.

He should still have continued his opposition to direct taxes, had it not been for information which he had received that the posture of foreign affairs was such, as to threaten the cutting off of our sources of revenue arising from foreign commerce. It was not necessary to go into a consideration of this matter. It was enough to say, that there was a probability of a part, a very considerable part of our revenues arising from commerce, being cut off. Under these circumstances, it appeared necessary, to have recourse to such taxes as were not within the power of foreign nations to annoy; for this purpose, he believed it would be proper to enter upon a system of direct taxes. It was necessary, at least to begin to make the arrangements; and, if not ultimately requisite to be adopted, it might be laid aside; but he believed the situation of the country was such, as to make it proper for them to settle a plan for laying a direct tax. Upon this principle only, had he changed his opinion, and intended to vote for the resolution; but he thought, before the resolution was agreed to, it should be amended. The resolution as it then stood, he said, went to the apportioning, "according to the last census, the following direct taxes." He did not believe it would be right to apportion a direct tax according to the last census; for when they attended to the increase of population in some states, and to the stationary situation of others, no one would say that such an apportionment would be right. In the states of Rhode Island, Connecticut, Delaware, and New-Jersey, there had been but little increase; in all the other states the increase had been greater. They ought, therefore, to have recourse to a different mode. If they were to attend to the situation of two states in particular the injustice would appear clear. In the last census, Connecticut was estimated to contain 240,000 inhabitants, and New-York 340,000. Since that time, he said, the state of Connecticut had increased very little, but the state of New-York, was increased at least to 500,000; so that Connecticut had not more than 250,000, whilst New-York had double the number. In the report of the Secretary of the Treasury, Connecticut was apportioned 98,000 dollars

of the estimated tax, and New-York 140,000; the latter, being only about 40,000 dollars more than the former, though it contained double the number of inhabitants. He would, therefore, move to strike out the words, "last census," and to insert, "according to their numbers."

He believed that no gentleman would deny the justice of the amendment. Some objection, perhaps, might be made against it on the ground of expence; but he believed he should be able to remove those objections. Before the tax could be laid, he said, there must be a valuation of property, and when regulations were made for that purpose, they might also be made for taking an enumeration of the inhabitants, in which case the expence would only be trifling, and therefore no objection could be urged on that ground, and the justice of the measure was evident, since no gentleman could approve of any plan which should charge two states in the ratio of 140 to 100, when their true ratio was as two to one. He hoped, therefore, the amendment would be adopted; and if so, he should have no objection to vote for the resolution.

Mr. Page wished the gentleman had refrained from moving any amendment in the present state of the business, because it went to circumscribe discussion on a subject which cannot be too well understood; there was this objection to the amendment also, that it assumed by implication what was not the fact, for the measure of a direct tax was not yet agreed upon; a proposition had been submitted to the house upon the subject, but the decision had not yet taken place; and it was in his mind an evidence of its not having been sufficiently discussed, that the gentleman from Connecticut was opposed to the principle of a direct tax; he had considered the subject with much attention, and he presumed it would not be sufficient to convince any gentleman, that it was of all others that species most consistent and congenial with the spirit of a free republic: the amendment did not appear to promise any advantage in the way of accelerating the business, and in point of utility it was calculated rather for a future and remote time than the present; believing therefore that we must have recourse to some efficient and permanent means of revenue, and that we should do so in a manly way, he was for proceeding by sober investigation, and he had no doubts that the house would decide that the species of taxes which were calculated to inspire industry and economy—to place the agriculturist and farmer above dependence on the mer-

chant—to excite that spirit of vigilance and jealousy which is so essential to the republican character, and to the preservation of his freedom, would be preferred ; when the cultivator *knows* that he has a certain sum to pay at a given time to the support of the state, his industry and his mind feel a new stimulus : he may pay as much in an indirect way, by the purchase of goods subject to the taxation of the state, as the merchant, but he neither *feels* this, nor does he obtain the credit due him for this indirect contribution ; when he pays it directly, he learns his own consequence in society, and he finds it a part of his duty to enquire how the public money is disposed of by the government ; he said so much to shew the preference of one mode of taxation to another ; the amendment he hoped would be withdrawn.

Mr. Madison said he thought the amendment a proper one ; it went to generalize the proposition, by striking out the words proposed, and would render it appropriate to the time of the law going into effect. If the tax were to be apportioned according to numbers, it must be according to the numbers as last legally ascertained by census. If no new census were taken before the act took place, then the last must be the guide ; but if a new census, then that must be the guide. For these reasons, he was in favor of the amendment.

Mr. W. Smith enquired if this question had not already been decided, by a motion made by the gentleman from Maryland (Mr. Christie.)

The Chairman said it was in the house and not in the committee of the whole that the former question had been brought forward.

Mr. W. Smith said he hoped the proposition would not be agreed to, because it would defeat the whole business ; and he would chuse, if it were to be defeated, that it should be defeated directly and not indirectly. If it were the object of gentlemen to take a new census, it would effectually defeat the intention of the bill. He hoped, therefore, they should not waste their time in the present discussion, but determine the question whether or not the principle would be agreed to.

Mr. Madison said he did not know to whom the gentleman referred when he said there seemed to be an intention of defeating the bill ; he could assure him it was not his intention. He wished to give the proposition the fullest discussion, that the real disposition of the house might be known. The amendment, he said, could not have the effect that the gentleman supposed. If it was the intention of the legislature

to have a new census, it might be taken in time ; but he did not believe a new census would be taken ; and, if not, the apportionment must be according to the last census, because there would be no other rule ; but, if there should be another, who would say it ought not to be conformed to ? If it could be really supposed that there was any intention to defeat the original proposition by this amendment, it certainly would not have his patronage.

Mr. Swift said he did not mean to embarrass the measure, but to facilitate it. He believed the objection he wished to remove would make the resolution more agreeable to a great many members who would object to vote for it in its present form. When the committee of ways and means brought in a bill, they would make such regulations as they thought proper ; but if the resolution were to be agreed to in its present form, it would preclude all possibility of having a new census, if it should be found expedient.

Mr. Havens doubted whether the motion of the gentleman from Connecticut was strictly constitutional. He read an extract from the 3d section of the 1st article of the constitution, in these words, "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct ;" and the 4th clause of the 9th section of the same article, "No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken." By these words, he said, he understood, that direct taxes could not be levied, except according to a census to regulate the representation, which must be taken once in ten years. Direct taxes and representation ought always to go together. Direct taxes should always be regulated by the last census.

Mr. S. Smith said this question had been decided in the house, and he trusted it would again be rejected. He recollected when the last census was taken, it was attended with considerable difficulty. Many of the inhabitants in the country were Germans, and they were suspicious that some bad purpose was intended by the measure. In taking a new census, for the purpose of a tax they would hold out to the people a temptation to return their numbers less than they really were ; whereas, when a census was taking for the purpose of ascertaining the number of representatives to which they were entitled, the people were interested to make their numbers as

large as possible. Nor would it be possible to get at the full numbers of the people, when they were interested in withholding them. Indeed he should not be surprised, if a census should be taken for the purpose proposed, if it proved less than the former one. He gave his dissent to this proposition when it was before them in the House, and he saw no reason for changing his opinion. He thought it neither profitable nor proper.

Mr. Christie was glad the gentleman made the motion now, that it may undergo a discussion, and be brought into the house. He wished it to be adopted. He never could, nor ever would agree to the resolution for direct taxes except a census be taken to regulate it on. He believed that when this was done the total estimate would return 148 members to that house. He knew the state he came from, was not justly rated. He hoped the tax, if put into effect, would operate equally on all the states.

Mr. Holland could hardly suppose the gentleman from New York (Mr. Havens) serious, when he doubted the constitutionality of taking a new census. Great alterations must certainly have taken place in seven years; and if a direct tax was to be laid according to the last census, it must operate very unequally amongst the citizens: he thought the resolution indispensibly connected with the subject. Many he said would vote for direct taxes, if they could be made to bear equally or nearly so on all: If that could not be done, Mr. H. said, he should not vote for that system, and he believed the same of many other members.

Mr. Sewal hoped the amendment would not prevail: he thought the words *last census* included the word *number*. If a direct tax be levied this session, it must be according to the last census. The amendment was merely a verbal one; for if a new census were to be taken before the act went into execution, the apportionment must be regulated by it, whether the words were to be struck out or not; and if a new one were not taken, the apportionment must be made by the old census. If a census were to be taken, he said, it must be returned and approved by Congress, before any tax could be apportioned by it. If representation and taxation were connected together, he should have no objection to a new census being taken; but the term of the census not having expired, if it was now necessary to apportion a tax, it must be according to the last census. The amendment, however, being only verbal, it could have no effect on the resolution.

Mr. Nicholas, said if he could put the same construction on this amendment with his colleague (Mr. Madison) he should consider it of a very harmless nature, but from the very different views which the gentleman who proposed it had, he saw reason to believe it would have a very contrary tendency : it would cause delay, which would be injurious ; protracting it would ruin the original proposition ; no tax could be apportioned upon a census before it had gone into operation with respect to fixing the number of representatives. He believed they had the power of taking a census, but he thought it must be taken for the double purpose of taxation and representation, and not for taxation alone.

Mr. Gilbert said, there could be no question more express and which would admit of less doubt, than that representation and taxation must go together. The constitution directed the census to be taken once in ten years, and when once taken it must remain to govern until another was taken ; but whenever another census should be taken, the tax must be apportioned by that. A new census, he said, could not operate upon a tax now agreed upon. Whether a new census should be taken before the appointed time was a different question, and was not at that time before them.

Mr. Sitgreaves said, if the gentleman from Connecticut (Mr. Swift) was sincere in his professions of not wishing to embarrass the proposition before them, he would withdraw his amendment ; because, if it meant any thing at all, it went at least to delay the business. It could not be denied that every direct tax must be apportioned according to the last census taken according to law ; and if the gentleman's motion meant that the proposed tax should not be laid until a new census was taken, it would necessarily put off the business for several years. The gentleman seemed to think that a census could be taken for this purpose only ; but, Mr. S. said, if he understood the constitution, on this subject, no direct tax could be apportioned but according to the census taken for the purpose of apportioning the representation. If a new census was taken, therefore it must operate upon both. If this opinion was just, and he had no doubt of it, the motion went to the putting off a direct tax until a new census should be taken. If this was not embarrassing the business, he did not understand the meaning of the term. He believed the last census which was taken was not carried into effect till two years afterwards, and if a new one were taken, it would pro-

bably take as long a time to bring it into action, so that to carry the motion would be in effect to put off the business for several years.

The gentleman from Virginia (Mr. Madison) thought a new census would not be taken before the direct tax was laid ; if so the motion was useless.

If a new census should be made before a direct tax could be carried into operation, it still would be apportioned according to the last census, or that which had previously taken place.

If there was any thing in the motion of the gentleman from Connecticut, it was mischief, because it would operate to put off the question.

He hoped, therefore, that gentleman would withdraw his motion, and suffer them to meet this important question fully in the face.

Mr. Coit said if direct taxes were to be laid, he was not prepared to say whether the old or a new census should be made use of ; but if the carrying of the present motion would remove one of the objections which was against the measure, he could see no reason why it ought not to pass. The resolution expressly said the apportionment should be according to the last census ; the present motion went to leave that undecided, to be determined upon hereafter whether the old or a new census should regulate the apportionment : he hoped, therefore, it would be adopted.

Mr. Madison, said, if he had foreseen that the amendment proposed could have been supposed to embarrass the measure, he should not have seconded it ; but he thought it could not have that effect. He would ask, if there was a gentleman in favour of the proposition, who would not have agreed to it, if the words proposed to be struck out had not been in it ? And if not, why object to the amendment ? He did not think it likely that a new census would be taken ; but he did not think it was necessary to prejudge that question. It was an object of detail, and might properly be determined upon hereafter. Without it the proposition would be more general. It would have the same operation in one form as in the other, and no gentleman could complain of having his intention of moving for a new census prevented by a pre-judgment of the question.

He hoped no further debate would take place on it : he was fully prepared to give his vote.

Mr. Gilbert thought there was nothing in the motion that could change any member's mind on the subject of the main resolution : whether the term *last census* be expressed or not, it would apply the same. At whatever time the tax was put into effect, it must be according to the census last taken ; the resolution would not pledge the House to take a new census : it was a debate more about words than any thing else.

Mr. Murray thought the debate on the present question a very trifling one, as the abstract principle was necessarily kept out of sight. If the amendment was agreed to, the apportionment must be made according to the last census, as a new census could not be taken for two years to come, many states having already elected their representatives ; if the gentleman from Connecticut saw that the amendment would be useless, he trusted he would not insist upon its being decided upon.

Mr. Isaac Smith said, he thought they might get rid of all this debate very easily. He wished the question, whether they would lay direct taxes or not to be simply taken. If a direct tax was determined upon, the detail of the business could be settled afterwards. He would therefore propose, if in order, that the question should be put simply " Shall we lay a direct tax."

Mr. Hartley said he had attended much to the progress of the business : he hoped the amendment of the gentleman from Connecticut would not prevail. It was allowed on all sides, that additional revenue was wanted : they must now meet the question, whether it should come from direct taxes or not, and whether that should be levied according to the last enumeration, or that a new one be taken for that purpose ; it was only a simple proposition, and it was fit it should be decided ; and he hoped without much debate. It was proper some determinate principle should be fixed as a guide to the committee, who should prepare a bill on the subject. He thought there was much necessity for a land tax, and he hoped it would prevail ; and he thought it could most properly be done upon the last census. He declared he had no objection to pay his portion towards it. He hoped they would hasten the decision, but he should be opposed to the motion, and therefore hoped the gentleman would withdraw it.

Mr. Dayton (the Speaker) said that the words "*according to the last census*," which were proposed to be stricken out,

appeared to him objectionable in every point of view. If they implied that the enumeration made several years ago, should be the rule of apportionment, even though a new one should be taken before the direct taxes were apportioned, or, what seemed more probable, if it was intended in this indirect and covert way, to decide that no new census should be ordered with a view to a more equal apportionment of the burthens, there was in either case a glaring impropriety in retaining and thus connecting them with the principle itself. The important question of direct taxes ought to have been presented to the deliberation of the committee of the whole, in terms the most general and abstract, stripped of every modification not necessarily connected with it; instead of which, there was blended in the same sentence, and they were to decide in the same breath, another question equally, nay to some states more important than the first. Whether they were to take the relative numbers in 1790 or those in 1797, as their guide in laying the tax upon each state, ought to undergo a full and separate consideration, and not by being wrapped up as it was in the other proposition, pass as the sense of the house without any discussion.

Mr. Dayton said he should be satisfied with striking out those words, and inserting no other, but if any were to be introduced he should prefer those in the constitution, viz. "according to their respective numbers." He was free to acknowledge that he should not vote for the proposition, even if the amendment, which he advocated, was carried, for he could never consent to resort to direct taxes upon lands and houses, until the less exceptionable, less unequal, and less oppressive means of raising revenue by indirect taxes were exhausted. If however, a majority should think differently from him, and carry the resolution for the adoption of a system of direct taxation, he should then think it his duty to move for a new census to be taken previously to the apportionment. This ought not to be refused, if to equalize the public burthens was an object just and desirable. For if the last enumeration of inhabitants was to be adopted as the rule, every member upon that floor must be sensible that New-Jersey would be rated and taxed very far above her just proportion, and that a farmer in his state must contribute at least fifty per cent. more than a farmer of the same possessions and property in either of the adjoining states.

Such, Mr. Dayton said, had been the course of emigration and such the shifting of population from one state to another,

that a census taken seven years ago, would furnish a very false estimate of the present state of wealth and population. Whilst emigrations had been going on for years past from New Jersey in all directions, many of the other states had received vast accessions of numbers, which ought to be ascertained by a new enumeration, before they commenced their, as yet unexercised power of direct taxation which professes to found its apportionment upon numbers only. He did not at all concur with the member from Virginia, who had said, that the apportionment of representatives must necessarily precede the apportionment of taxes under every new census; for they might say, with as much propriety, that the representation under the new, should not appropriate monies raised under the old apportionment.

Mr. Swift said he did not think the present a debate about words, and not of substance, as had been asserted. His intention was to introduce the words "according to their numbers," instead of "according to the last census." He did not wish the house to decide, that the apportionment should be made agreeably to the last census. He wished to leave the resolution open in that respect. If his amendment took place, it would not preclude the use of the last census; but if the resolution passed in its present form, it excluded all idea of a new census. He, therefore, thought the amendment important, and he was sorry to hear gentlemen charge him with improper motives in bringing it forward.

Mr. Swift referred to the words of the constitution, relative to the taking of a census, and laying direct taxes. From these words, he said, representation and taxation must go together, and that a census could not be taken for the purpose of the latter, without having effect upon the former also. Admitting that a census could not be taken for the purpose of a direct tax, it could be taken for both purposes; and he would much rather it should be so taken, than that the tax should be laid according to the last census. Nor did he think this would occasion much delay. It would appear, he said, as if some gentlemen thought that a direct tax could be collected as soon as determined upon. This could not be. They must pass a general law, directing the principle of valuation to be adopted. The business could not be accomplished before the next session, however great the want of money might be; and the mode he proposed would effect the business as soon as if the apportionment was at this time made. He thought this a sufficient reason for wishing his

amendment to pass. No gentleman had said, that it would be either fair or honest to make an apportionment according to the present census. The state which he represented, when compared with the state of New York, would be greatly injured; and ought they not, he asked, to have recourse to some means by which to prevent this injury? He thought they ought. If this amendment was adopted, and a new census agreed upon, he had before said, it would be in their power to collect a tax as soon as if the present census was made use of. Why then be affrighted with difficulties? Some gentlemen thought it impossible to obtain a correct census; others supposed, that if it were taken for the purpose of assessing a tax, it would not be more numerous than the last; but he believed it was in the power of government to make laws equal to the equitable apportionment of the tax. But if a new census was not taken, Connecticut would pay 40,000 dollars more than she ought to do, and this sum would be paid to the state of New York, since that state would pay so much less than its just proportion. Would the people of Connecticut, who were now paying large sums for the interest of a debt which that state refused or neglected to pay, be satisfied with this? He believed they would not. If, indeed, they meant to satisfy the people of the United States in this business, they must apportion the tax fairly and equally, which could not be done by the present census.

Mr. N. Smith said he should vote against the amendment proposed by his colleague; not because he approved of an apportionment being made according to the present census, but because the amendment would have no effect. The resolution, he said, after it was so amended, would stand upon the same ground as at present. To say, "that the tax should be apportioned according to numbers," was the same thing as saying, "it should be apportioned according to the last census," as the only way of determining the numbers was by the last census. The thing would, therefore, be the same, and they certainly ought not to vote to amend without some meaning.

The resolution before them, he said, contemplated the apportionment of a tax the present session; and if it passed, the tax must be appropriated this session, or not at all, and it must be according to the last census.

He agreed with that gentleman, that it would be just that an enumeration should take place before the tax was assessed;

but he believed this could not be effected by the amendment proposed. He thought there was no other way of effecting this, than by disposing of the present resolution, and by bringing in another. He agreed with that gentlemen, that a valuation and census might be provided for at the same time, and he believed it would occasion no delay in the collection; but if this was the gentleman's idea, the present resolution could not answer the purpose, under any modification.

Mr. W. Smith was glad to find the gentleman from Connecticut had been explicit in declaring it to be his intention to have a new census taken. He was rather surprized to hear that declaration after what he had said at the time he introduced his motion; as he then told them, that he was opposed to the tax, but that our necessities had convinced him of the propriety of going into it; yet he now proposed to delay the business till next year, and further, to relieve our necessities, he proposed an expense of 50,000 dollars in taking a new census.

Mr. Smith thought this was the time for trying this question, whether the tax should be apportioned according to the old or a new census; because, if gentlemen were determined to vote against a direct tax, except a new census was taken, it would be well to have that known. Nor could the committee of ways and means proceed with the business, until they knew whether the apportionment was to be made upon the present census, or a new one must be taken. To bring in a bill upon such uncertainty would be doing nothing. It would be better that the question should now be decided. He wished it might be understood, that if a decision took place on the resolution as reported, the old census would be acted upon; but if the proposed amendment was agreed to, that a new one must be taken. If the latter should be the case, he should consider the business as totally defeated, and think it necessary immediately to go upon a system of indirect taxation. He hoped, therefore, a decision would be taken.

It would be remembered, Mr. Smith said, that the law for taking the last census passed in 1790, that in 1791 an amendment was found necessary, and the census was not received till 1792. If so long a time was now to be taken, before the tax proposed could be carried into effect, (which it was probable would be the case, if a new census was determined upon) every gentleman must be convinced it would not answer the purpose intended.

Mr. Baldwin hoped it would be recollected that this question would occur every year. If a land tax is adopted as one of the permanent sources of revenue to supply the treasury, it might be stated every year, that there had been large removals from one state into another, extending in some cases to ten or twenty thousand inhabitants, and that therefore a census must be taken every year to make the tax equal. He thought the only question now properly before them was, whether the demands on the government were not now so great, that the country must be publicly disgraced and their credit prostrated by not fulfilling its engagements, unless further revenues are provided, and that adequate revenues cannot be provided without resorting to a land tax. If the present state of our affairs force us to such a tax, the constitution requires it should be according to the last census. In laying the tax, it may be a good reason to urge that the land tax should be as small as possible till another census can be taken, and also to urge taking measures to obtain a new census. As soon as a new census is taken, the tax no doubt in some instances will be more equal; but these inequalities must take place between the different periods of taking the census; he thought it not a sufficient reason for putting off the question for two or three years, which must be its effect.

Mr. Nicholas hoped, since the question had been stirred up, it would be decided. It was not a principle upon which they were at liberty to act or not. It appeared to him that the gentleman from New Jersey (Mr. Dayton) was perfectly mistaken. If they were now to apportion a direct tax, they must determine it according to numbers; it was a decision they could not avoid. And notwithstanding that gentleman had flattered himself, that he had discovered an intention of doing wrong to other parts of the union, he believed it would be found that it had arisen more from that gentleman's willingness to have found him in that situation, than any ground he had for the charge. It was his opinion that a census must be taken for the double purpose of representation and taxation, and that it could not be taken for the purpose of a tax without extending to the representation also. Therefore, if a new census was made, it would be five years before a direct tax could be laid; for the different states having elected their members upon the old census, a new one could not be acted upon until a new election took place; it would be three years before the new legislature would meet, and it would be two years afterwards before the act for a direct tax

would be completely in effect ; unless, indeed, the gentleman from Connecticut thought a census could be taken for taxation only, which must have been the opinion of the gentleman from New Jersey also. Mr. Nicholas said he knew it was impossible to do equal justice in every part of the union in a business of this kind. All they could do was to come as near it as possible.

Mr. Williams said this was one of the difficulties which must have been foreseen to attend a system of direct taxation. He hoped the amendment would not prevail. It was true, he said, there had been great emigrations into the state of New York ; but the emigrants were mostly gone into the wilderness, and could not be expected to bear a part in any tax which might be laid on that state. For his own part he believed, if the amendment was agreed to, it would defeat the whole business ; and though he did not wish immediately to go into a system of direct taxation (except indeed the plan should be such as be wholly approved) he had a desire to see it organized. He still wished they had first gone into the business of appropriation, before they had been called upon to vote on this question.

A call for the question was made.

Mr. Gallatin said, before the question was taken, he would state, that the amendment proposed would be a total defeat of the resolution for laying a direct tax. The gentlemen from Connecticut, he said, had been accustomed, in laying their state taxes, to have valuations of property made betwixt different towns, and they supposed no delay would be occasioned by the proposition before them ; but it must be recollected, that in apportioning the tax amongst the different states, there was no occasion for such a valuation as they contemplated. It was proposed by the secretary of the treasury to be done by means of commissioners instead of the legislature, and he believed that would be the best way. If the resolution was therefore agreed to, the tax might be proceeded with ; but if the amendment was passed, and a new census was to be taken, they must wait at least two years, as no valuation could take place until a congress was elected according to the new census, which could not be done till the time of the congress just chosen expired. They might, indeed, have an enumeration taken, and a tax assessed, on the 4th of March, 1799, which would be the day on which the powers of the new congress would commence ; but no tax could take place in the mean time.

There was not the least doubt, therefore, that if the amendment passed it would amount to a defeat of a direct tax for two years. The question was then, whether they would agree, so to put off the business, or not.

Mr. Gallatin said he should have no objection to the taking of a new census before the expiration of ten years, if it was thought to be necessary; but he could not think of doing it before the proposed tax went into effect.

Mr. Dayton did not agree with the gentleman from Connecticut (Mr. Smith) who had asserted that the words in the original resolution and in the amendment would have precisely the same operation, and really meant nothing. He believed that they would operate, and were intended, to decide the question against the new census, which the members from Connecticut as well as from New-Jersey must be equally desirous of providing for. The Chairman of the committee who reported the resolution under debate had candidly acknowledged it to be his object and meaning, and other members had given a like construction to the words. Some notice was due to the remarks of the gentlemen from Virginia and Pennsylvania who, though not entirely agreeing in their construction of the constitution, had broached doctrines that were new, and not at all warranted by that instrument. The former had said that if a new census should be taken and returned at the first meeting of the next Congress, and a direct tax for the current year should be apportioned by them the same session, they must take for the rule of apportionment the *old* and not the *new* census, until the representatives had been regulated, and taken seats under the last enumeration. Could it be possible, Mr. Dayton asked, that any man who had read these words "*direct taxes shall be apportioned among the several states according to their respective numbers*" could believe that injunction obeyed, if the enumeration last taken, and immediately before their eyes, should be rejected or disregarded, and one taken eight or ten years previously adopted in preference as the rule of numbers and wealth. The gentleman from Pennsylvania had not carried his doctrine quite so far, but had given it as his opinion that the return of a new enumeration to the next session would prohibit an apportionment of any direct tax in less than two years when a new representation would take effect. The tendency of such a doctrine would be highly dangerous as it would lock up for two years the only resources of government and it might be in time of war when

they would most need them, and have no other to resort to. Both those gentlemen seemed to have conceived and assumed for fact that direct taxes were to be apportioned according to representation, in which they were not justified by the constitution. Representation and direct taxation were both it was true to be adjusted by one common standard but not by each other, and although in theory, or at first view, the distinction was not striking, yet in practice it would be found to be material and important.

The question upon the amendment was put and negatived, there being only 19 in favour of it.

The question was about to be put upon the original resolution, when

Mr. Havens wished the question to be divided.

Mr. Potter said, he was against the resolution, because the tax would fall very unequally. Since the last census was taken, the situation of many of the states was very much altered as to population. In the state of Rhode Island, which was already oppressed by the direct taxes of the state, many of the inhabitants had removed into the state of New York, where they had less taxes to pay. The state of New York and others, he said, had increased in population, and therefore a direct tax would operate very unequally on different states.

By the report of the secretary of the treasury, it appeared, that the state of Rhode Island was to pay 28,000 dollars a year, which would operate as a tax of double the sum on their land-holders, from the manner in which it would be collected, and from other property being excused from supporting its share of it. It would therefore fall particularly heavy on that state, when compared with others.

It had been said by the gentleman from Pennsylvania (Mr. Swanwick) in two long speeches on the subject, that a direct tax was the most certain, equal, and easy in collection; the first convinced him that he knew nothing of the oppression of a direct tax.—That gentleman was against having the system detailed, because it would be the means of raising objections to it; but after gentlemen had voted for the abstract principle, they must vote for the bill.

Mr. Potter believed sufficient revenue might be raised from indirect taxes. An additional tax had been proposed on salt and brown sugar. It was said these were articles consumed by the poorer classes; but if a man purchased salt or sugar, he was pleased with the purchase, and would pay double the

tax in this way, than he would pay by a direct tax. Nay, he believed a man felt five dollars payed in a direct way, more than 15 or 20 paid indirectly.

If, he said, they were to try to raise by indirect means, on the plan recommended by the gentleman from South Carolina, (Mr. Harper) a part of the sum wanted till next session it would be seen whether that method would not be successful. If it was then found, that the revenues arising from thence were insufficient, there was not a person in the house who would enter into direct taxes with more readiness; but, until all indirect means were tried, he should be unwilling to go to direct taxes.

Mr. Swanwick said, he was sorry that the gentleman from Rhode Island (Mr. Potter) should have supposed, he did not understand the principle of direct taxation, from not having felt it. He believed, it had been mentioned by his colleagues, that a direct tax had long been collected in this State, so that he had been constantly in the habit of feeling the weight of direct taxes, as he believed there were few places which paid more in this way than Philadelphia. If the gentleman had been in possession of landed property here, he would have *felt* the truth of this.

Much, Mr. Swanwick observed, had been said on the subject of indirect taxes, and of the poor being in a great degree exempt from them. He believed this was not true. The duties arising from the luxuries of life, were small in comparison to what was raised from articles of general consumption. If you want productive taxes, said Mr. Swanwick you must come to salt, tea, and sugar, and articles of common use. The gentleman from South Carolina knew this, and had therefore introduced them into his list of articles which he supposed would bear additional duty. No one would doubt, therefore, that the poor paid a very heavy portion of those duties.

But the gentleman said, let us go on a little longer and try the experiment. Mr. Swanwick asked, if it was not the moment, of all others for them to look out for some other object for revenue, besides commerce, when their imposts where wholly in jeopardy. For, whether they added to the duty on salt, sugar, or any other article recommended, what certainty could they have upon their calculations being realized, when they heard of their vessels being taken almost by hundreds.

Whenever commerce was mentioned they always heard of merchants having over-traded themselves. And did not this very circumstance tell them that the revenue must hereafter experience a diminution, since, if they had over-traded themselves, they would in future do less.

Another gentleman had said that 300 writs had been issued in one city to recover duties. But this, it was said, was no proof at all that a reduction of the revenue would ensue. It would at least, be allowed that it proved an inability to pay, and bad debts would doubtless be the consequence, and that no certainty could be placed upon this species of revenue.

In what situation, then, said he, is this country placed? If the French continued to take our ships in the way they had lately heard of, we should not, he said, get revenue sufficient to pay the interest of our debt. So that gentlemen who opposed the present motion, if they were successful, would reduce the country to an alarming situation indeed.

A curious way had been proposed of retrenching our expences. Now we were threatened with foreign attacks, it was recommended that our naval and military establishments should be reduced. This was extraordinary doctrine. He believed the gentlemen who recommended this saving, might as well have gone on, and proposed an annihilation of the government itself, and then there would be no need of revenue at all.

Our exigencies, said Mr. Swanwick are such, that those gentlemen who refuse to support the present proposition, must take upon themselves the responsibility. With them, said he, be it; he did not chuse to take it.

They had had some observations with respect to the constitutionality of certain points in reference to direct taxation; from reflecting upon which, he was of opinion that indirect taxes had not originally been contemplated by the Constitution. It contemplated a system of direct taxation, supported on the foundation of representation, by which states should pay according to their population. This sort of tax, he said, was well calculated to inspire caution in the expenditure of the public money.

Mr. Swanwick said he had been much gratified by the observation of his colleague from the interior of the country, that a land tax would be more gratifying to him and his constituents, than an extension of indirect taxes. He hoped the resolution would be agreed to: Whatever might be its fate,

however, he should feel satisfied in having done his duty in exerting himself in its behalf.

The call being loud for the committee to rise, the question was put and negatived, there being only 13 for it.

Mr. Holland had no doubt with respect to the constitutional power to lay direct taxes. He would go farther and say, that it might have been better if government had begun with them at its first institution; but he was doubtful whether the present was a proper time to commence the business. He was of opinion that indirect taxes might yet be extended so as to produce the revenue wanted.

Without examining into the principles of imposts and excise, it might be supposed that they fell upon the merchants; but, on examination, it would be found that they paid no more of them than in proportion to their consumption. The question was whether the merchant or Farmer consumed most; for it had been insinuated that the farmer scarcely paid any part of these duties.

The gentleman from Maryland, Mr. Craik, seemed to think there were farmers who paid little or nothing towards the expence of government. He did not know any such. Farmers, he said, had mostly numerous families, and therefore consumed larger quantities of imported articles. The families of merchants were seldom so large, they consequently consumed less. Farmers, he said, were also saddled with an excise on their stills, from which merchants were exempt.

Merchants, he said, were in the habit of complaining, but government had not been inattentive to their interests. He mentioned the allowance to them in favour of tonnage. He said he was convinced revenue was wanted, but he thought there was no necessity for going into direct taxes to raise it. As to paying off the debt, he doubted not, if they raised ever so much revenue, government would find ways and means of spending it.

He justified the reduction of the military and naval establishment. The military establishment, he said, was calculated for peace, and was of no other use than to garrison our forts; and as the frigates were not built, there was no necessity for an establishment to man them; and indeed he thought it better that they were not finished, as, if they were out at sea, they would probably soon be added to the strength of an enemy. He wished we had less to do with foreign intercourse. He did not know what good foreign connections were of to us, though government had long

been hunting them up. He thought the more we lived by ourselves the better.

He believed it would be best to pursue indirect taxes, if it were only with a view to keep the public debt out of sight, as a part of this debt has originally been the property of individuals, who would murmur very much if they were called upon to pay either towards reducing the principal, or discharging the interest of it.

The farmers already paid a tax on their stills, and if they were to pay a direct tax also, it would be like taxing both principal and interest. If a direct tax was laid, he hoped, therefore, the duty on stills would be repealed.

Mr. Buck wished the decision on the question might be postponed, for the purpose of reading the communications just received from the President, as they might throw a light upon the situation of this country with respect to foreign countries, which might influence their decision, as the state of our commerce should be known before this business was proceeded far in, on this account he hoped the committee would rise, that every possible information of the state of our affairs may be known before a decision on the article of taxation took place.

Mr. J. Smith hoped the committee would not rise. He had made up his mind on the question and he thought the arguments used on both sides must have operated as a decision to every gentleman: but if the gentleman had any thing to offer on the question, Mr. Smith would patiently hear him a little while; but he thought a speedy decision should be made. March was very near, and it ought to be remembered, that after the decision of the house there must be time allowed to the committee of Ways and Means to bring in a bill.—From the debate which had taken place, spectators would suppose it a struggle between Merchants and Farmers on the question “whence should the revenue come.” He hoped, in the main decision of the question, gentlemen would drop selfish motives and vote for the public good, and that alone.

Mr. Harper said if the gentleman from Vermont (Mr. Buck) had voted for the committee to rise, on any other than the reason offered, he should agree with him, but he thought that ground altogether insufficient. The communication only related to a chain of correspondence the matter of which would no more tend to inform the house on this subject than it was at present. It was well known that revenue

was wanted, and he hoped the manner of obtaining it would soon be decided, except gentlemen should want more time to think on it, which he would not object to allow.

The question was now again put for the committee's rising and not carried.

Mr. Christie moved a division of the question. After a variety of observations from several members the question was at length taken on the former part of the resolution, viz. that proposing a direct tax to be laid on land with improvements thereon, and carried by a considerable majority there being 56 in its favour.

On the question upon the latter part of the resolution, viz. that a tax shall be laid upon slaves with certain exceptions, being about to be put, Mr. Christie moved to add, "on all real and personal property within the United States."—On suggestion of Mr. Giles, the words, "and other property" were substituted in place of the above, and on the question being put upon it, it was negatived, there being only 18 in favour of it.

The latter part of the resolution was then put as it stood, and carried, 54 members voting for it. The committee rose and the question was at length put whether the house should take up the resolutions as amended, this Day; and lost.

Ayes 37.

Noes 47.

The house then adjourned.

Friday, January 20.

Mr. W. Smith presented a petition of James Warrington attorney of the executrix and executors of the late general Nathaniel Greene, and of sundry other persons, praying relief against the decision of the accounting officers of the treasury, on several points in the settlements of the Claims of the respective decedents estates against the United States.

Mr. Varnum presented a petition of John Nickless of Massachusetts praying augmentation of his pension in consideration of wounds received in the service.

These petitions were referred to the committee of Claims.

A letter was received from the Secretary of War, with a list of Invalid Pension Applicants, who had been re-examined. Referred to the committee of claims

Mr. W. Smith said, that he wished to make a motion on the subject of the communication yesterday received from

the President. It had been agreed that 300 copies should be printed; he believed this number would be too small, and would wish it extended to 500, and also that it should be printed under the direction of the secretary of state, as he understood he meant to add some notes to different parts of it by way of elucidation.

This motion which as far as it related to the number to be printed was tried yesterday, occasioned a number of observations on the propriety of making the proposed addition, or of having it printed differently from the ordinary course of business. The clerk informing the house that the communication was divided amongst several printers; that the principal paper would be ready by Monday se'night, and the others by Monday fortnight; that he had received a note from the secretary of the treasury, informing him that there were some mistakes in the transcribing of the papers, and requesting that the proof sheets might be sent to his office, especially as he intended to add the original French of the French Minister's communication. Mr. W. Smith withdrew the latter part of his motion, and the house agreed to 500 copies being printed, after many remarks.

Mr. D. Foster, from the committee of claims, reported on the petitions of Samuel Chester and William McCay, with a resolution that they ought not to be granted. In which the house concurred.

The house entered upon a consideration of the resolution reported yesterday by the committee of the whole, on the subject of further revenue.

Mr. Coit wished for a division of the question, viz. that the proposition for a tax on land, and that for a tax on slaves, should be put separately.

Mr. Swanwick called for the Yeas and Nays. They were agreed to be taken.

Mr. Nicholas thought the resolution should not be divided, but that the propositions for a tax on land, and a tax on slaves, should go together; as he should object to vote for the tax on land, except that on slaves accompanied it. He thought the gentleman had better try the question, by moving to strike out what respected slaves.

Mr. Madison thought it would be best for the two propositions to go together; but if not, he did not think the embarrassments insuperable. If the question was divided, those who thought a tax on slaves necessary, must vote for the first part; and if the second was rejected, there would not be

wanting an opportunity of voting against the tax on land. It was necessary to observe, that it had been found expedient to associate these two taxes together, in order to do justice, and to conform to the established usage of a very large tract of country, who were entitled to some degree of attention, and to whom a tax on land, without a tax on slaves, would be very objectionable.

Mr. Coit said, he could not gratify the gentleman from Virginia, by varying his motion, as it would not answer the purpose he had in view.

Mr. Nicholas supposed, if the motion was persisted in, he was at liberty to move to insert slaves in the first part of the resolution. The gentleman certainly knew his own views best; or he thought it was possible to have settled the business he proposed.

Mr. W. Smith saw no difficulty on the subject. Gentlemen would vote for the first part of the resolution, in hopes that the second would pass; but if it did not pass, they would have an opportunity of voting on the main question, and thereby defeat the whole.

Mr. Van Cortlandt would vote for both together, but not separately.

Mr. Gallatin enquired as to a point of order, whether if the first part of the resolution was carried, and the second negatived, the question would not then be taken upon the resolution as amended?

The speaker answered in the affirmative.

Mr. Williams said it would save time if the question was taken upon the whole resolution together; for if several gentlemen voted against the first proposition, lest the last should not pass, the whole might in this way be defeated. He thought a vote might be safely taken upon the whole together, as no one would be bound by the vote which he now gave to vote in favour of the bill, if he should not approve of it. For his own part he wished to see the plan, though he did not know that he should vote for it.

Mr. Nicholas supposed there was not the difficulty mentioned by the gentleman from New York. Gentlemen would not risk the whole by voting against the first part of the resolution; since, if the second was not carried, they could afterwards reject the whole.

The question was put, that the house agree to the first resolution, viz.

“ *Resolved*, That there ought to be apportioned, according to the last census, on the several states, the sum of
to be raised by the following direct taxes, viz.

“ A tax ad valorem, under proper regulations and exceptions, on all lands, with their improvements, including town lots with the buildings thereon.”

It was resolved in the affirmative.

Ayes 48.

Noes 39.

Those who voted in the affirmative, are,

Abraham Baldwin,	John Wilkes Kittera,
Thomas Blount,	Edward Livingston,
Richard Brent,	James Madison,
Daniel Buck,	John Milledge,
Samuel J. Cabell,	Andrew Moore,
Joshua Coit,	F. A. Muhlenberg,
Isaac Coles,	William Vans Murray,
William Cooper,	Anthony New,
William Craik,	John Nicholas,
George Dent,	Alexander D. Orr,
George Ege,	John Page,
William Findley,	John Patten,
Albert Gallatin,	Francis Preston,
Nicholas Gilman,	Robert Rutherford,
Henry Glen,	Samuel Sewall,
Chauncey Goodrich,	Samuel Sitgreaves,
Christopher Greenup,	Isaac Smith,
William B. Grove,	William Smith,
George Hancock,	Richard Sprigg, jun.
Carter B. Harrison,	John Swanwick,
Thomas Hartley,	John E. Van Allen,
John Hathorn,	Philip Van Cortlandt,
Jonathan N. Havens,	Abraham Venable, and
William Hindman,	John Williams.

Those who voted in the negative, are,

Fisher Ames,	Samuel W. Dana,
Theodorus Bailey,	James Davenport,
Theophilus Bradbury,	Henry Dearborn,
Nathan Bryan,	Abiel Foster,
Demsey Burges,	Dwight Foster,
Gabriel Christie,	Jesse Franklin,

Nathaniel Freeman, jun.
 James Gillespie,
 Roger Grifwold,
 Robert Goodloe Harper,
 Thomas Henderson,
 James Holland,
 Andrew Jackson,
 George Jackson,
 Matthew Locke,
 Samuel Lyman,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon.
 Francis Malbone,

Elisba R. Potter,
 John Reed,
 John S. Sherburne,
 Jeremiah Smith,
 Nathaniel Smith,
 William Strudwick,
 Zephaniah Swift,
 George Thatcher,
 Richard Thomas,
 Mark Thomson,
 Joseph B. Varnum,
 Peleg Wadsworth, and
 Richard Winn.

The second part of the resolution relative to slaves was about to be put, when

Mr. Gallatin said, before the question was taken on this division, he just would mention why this species of personal property was brought under view, whilst all other personal property was unnoticed.

It was very true, that stock upon a farm in the north and eastern states, paid nearly as great a proportion of the taxes of those states, as the negroes did those of the southern states, and therefore it might seem somewhat wrong to introduce negroes in the one case and not cattle in the other. The reason which induced the committee of ways and means to adopt this mode was, that negroes are confined to certain spots of land in the southern States, while horses and cattle extend nearly equally over a whole country. A land tax, unaccompanied with a tax on slaves would be very unpopular in those states, as it would throw too great a burden upon farmers who did not hold slaves, and fall too lightly upon those whose property chiefly consisted of slaves. There was this difference betwixt the two species of property. A farmer in the northern or eastern states would not think himself aggrieved by not paying a tax upon his farming stock; but a farmer in the southern states would think himself aggrieved if his land was taxed. Whilst the slaves of the slave holder were not taxed.—It was on this account that this species of property was introduced.

Mr. Murray was not struck with the observations of the gentleman last up, so as to say he would ultimately vote for this species of tax, at present he should vote for a bill to be

brought in; but unless he found the bill could reconcile the principle more, and do greater justice in the case than he at present conceived he should then oppose it.

He said he considered slaves in the southern states as labourers, and unless gentlemen could show him where labourers were taxed, he should not think it right to vote for that part of the bill. He was decidedly in favour of a land tax, but against the other part of the question. Mr. M. said, he merely mentioned this that he might not hereafter be charged with inconsistency, in case he should vote against the bill. He repeated, unless provision be made for taxing labour in other parts of the United States, he must vote against this part of the bill if brought in, because the tax would operate very unequally.

Mr. Harper said, though he was entirely opposed to the tax proposed by the resolution, and should vote against the whole; yet he thought it right that a tax on slaves should be introduced with a tax on land; for as this direct tax was to be raised by apportionment through the states, whether the southern states paid on slaves, or the northern states on land, made no difference in effect; each paid in its own way; one mode was more convenient for the northern, another for the southern, and another for the eastern: no injury was done by this to any other state.

Mr. G. Jackson said he was against all species of direct taxation, but particularly on this species; and, if a tax on land was carried, he should bring forward a resolution to lay a tax upon all property vested in public securities. He wished for the yeas and nays on this question.

The yeas and nays were agreed to be taken.

Mr. Nicholas wondered to hear the observation of his colleague. He should vote for the question, though he and his constituents would be affected by it; but, in the district which that gentleman represented, there were no slaves; and it was therefore his and his constituents' interest to have a tax on slaves, in order to lighten that on land.

Mr. G. Jackson said, it was not so much on account of the interest of himself or his constituents that he opposed this tax, but he objected to it as a capitation tax.

Mr. Moore said the situation of the southern states had been truly stated. In the western parts, there were few slaves. He said, in the representation to that house the labour of the negroes had been considered as 5 to 3 with respect to white persons; therefore the ability of the state to

pay was considered in the same proportion. His colleague from the mountains (Mr. G. Jackson) should consider, that if the holders of slaves were not to pay a portion of the tax imposed on the state of Virginia, it would fall very heavy upon his constituents, and those of his colleague, where few blacks were kept. He hoped, therefore, it would pass.

Mr. Jeremiah Smith was aware that a tax on slaves would lighten the tax on land in the southern states, and therefore he did not wonder at the representatives from those states wishing it to take place; but by so apportioning the tax, would not the land-holders in the southern states pay less than the land-holders in parts of the union where no slaves were kept? He believed they would. A person, for instance, in New Hampshire, holding the value of 1000l. in land, would pay a larger portion of the tax than a holder of land to the same extent in Virginia. He believed this would be unjust, and an objection to this mode of taxing the southern states, as, though the tax would fall more equally on them, it would not be so with respect to other states.

Mr. Goodrich said, this tax was introduced into the system for the accommodation of that part of the union where slaves were numerous.

A disposition to render the plan as acceptable, in every part of the country, as it could be made, consistently with the interests of the whole, ought to prevail. But before a tax on slaves was adopted, its operation on the union, and its effects as it respected different districts, should be considered.

A direct tax ought to fall as equally as possible every where; that on land and houses, with their improvements, which had been agreed to, would be laid by a valuation seldom repeated, perhaps once in ten or fifteen years. The expense of its assessment and collection would be nearly equal throughout the United States; but with respect to a tax on slaves, there would be required frequent enumerations, at least an annual enumeration. This would be attended with considerable expense, to be defrayed not by the particular districts, for whose benefit this species of tax was introduced, but by the United States.

There was another objection. A land tax was certain—it might and undoubtedly would be made a lien on the real estate on which it was laid. It would be liable to little, if any loss. Not so with a tax on slaves. Such a tax he apprehended would be uncertain, exposing the revenue to con-

considerable defalcations. If a provision could not be made to place the loss on the districts where it happened, by re-taxing them, it would operate unequally. He imagined a re-taxation for defalcation, if it could be made, would be considered as unjust, and create discontent among the individuals who were subjected to it; and if that could not be done, the deficiency must fall on the union, and would produce uneasiness from its partial effects. He did not know how the detail would be arranged. He had been of the number who were desirous to see the collection law, before they decided on the resolution before them, so as to have possessed the whole subject. At present, he saw so many difficulties from incorporating this species of tax into the plan, he could not assent to it.

Mr. Nicholas said he did not understand the objections of the gentleman from New Hampshire (Mr. Jer. Smith.) He did not see how he could produce an equal value in land in every part of the union. The tax, he said, would be apportioned according to the number of persons, and not according to the number of acres in any state.

If the gentleman from Connecticut (Mr. Goodrich) would rely upon his information, he might be assured, that an annual enumeration of slaves would not cost so much as an assessment of land made once in ten years. With respect to the tax being uncertain, he was totally mistaken. It was the most productive tax in the southern states. If the tax was laid wholly upon land, it would be laid on a great part which would be unsaleable, and when a report came to be made of the collection, there would be found great deficiencies; but with respect to slaves, there would be no failure, because they were a species of property which would always find a ready sale in a southern market.

Mr. S. Smith said he had heard much on that floor with respect to equality of taxation. It was impossible, he said, to make taxes fall exactly equal; they will fall in some cases heavier than in others. He would state a case. When a tax on carriages was under consideration, they found the gentlemen from Connecticut voting without scruple, because that state paid only 2 or 300 dollars annually, when Maryland paid 5,000 dollars a year to that duty. There was no equality in this; yet those gentlemen winked at the disproportion. He hoped they would do so in the present case.

Mr. Potter said, if this part of the resolution was agreed to, it was to apportion a tax on the personal property of the

southern states, which no doubt they would be glad of; and if gentlemen from those states could point out any way by which the personal property of other states could be come at, he would agree to the present proposition: but he believed this could not be done; and if not, he saw no reason why the personal property of those states should be made to bear a part of the proposed burden, whilst personal property in other states was suffered to go free. It was a hard case, he said, that a man who possessed 3 or 400 dollars in land, should be made to pay a portion of the direct tax, whilst men of affluence, who possessed many thousands in public securities, or loaned on interest, should pay nothing.

The speaker reminded the house that the question was very much lost sight of; it was not whether a tax should be laid on carriage or personal property, but whether they would agree to the report of the committee of the whole, viz. "that a tax should be laid on slaves, with certain exceptions."

Mr. Henderson said he should vote against this proposition, because it was a direct tax, as he should vote against every question of that kind, until every source of indirect taxation was exhausted; and he thought this was not the case at present.

Mr. Claiborne said he thought also that direct taxes should not be resorted to until indirect sources were exhausted; but he believed they were now exhausted, and that direct taxes were the only means left to them of raising money. As he lived in a country which was unfortunately *curst* with negroes, he wished the present motion to pass, for the sake of making the tax bear in some degree equally in the southern states; but, if he thought with his colleague (Mr. Jackson) that a tax on slaves bore any affinity to a capitation tax, he should also oppose it; but he had no such idea.

Mr. Gallatin said he would just notice what had fallen from the gentleman from Connecticut (Mr. Goodrich) which was the only thing like argument which had been used against the present proposition. As to what had been said about the quantum of tax falling on different states, or what had been said by the gentleman from Rhode Island (Mr. Potter) with respect to the personal property of the eastern states, he did not see how it applied to the present question. If the proposed tax was certain, and the expense of collection would not be greater than would attend the collection of the tax in other states, he did not see any objection to it.

The gentleman from Connecticut had said, that the expense of our annual enumeration of slaves would be great, and that it would fall upon the United States. He would inform that gentleman and the house, that when no assessment took place, but merely an enumeration, it would be attended with no expense on the collection of the tax. The distinction which he made was, when a valuation and an enumeration were both necessary, and when an enumeration alone was necessary. In the first instance, the value of the property was to be ascertained, and the tax laid accordingly; but where an enumeration was only wanted (the tax per head according to age, &c. having been settled) no expense would be incurred.

M. G. said, he spoke from experience. In Pennsylvania there was a certain tax on personal property, the taking an account of which did not increase the expense. Every three years there was an assessment of personal property, amongst which was slaves; but the enumeration was managed in this way. The collector called twice upon persons; the first time he gave them notice to pay, and took an account of their property, which consisting of few articles, and the value being already fixed, he could tell them at the time the amount to be paid at his next call.

As to any degree of uncertainty apprehended from this tax, that might be removed, by throwing the deficiency, if there should be any, upon the land. He thought, therefore the objections which had been urged against this tax, would be completely obviated.

Mr. Coit allowed that nothing was more clear than that the manner in which the southern states paid their apportionment of the proposed burthen, could make no difference to the northern and eastern states; but the gentleman from Pennsylvania (Mr. Gallatin) allowed there was some weight in the objections with respect to the assessment and collection of the tax.

If he understood that gentleman, he said that the making an enumeration of slaves would make no difference in the expense. He did not know how this could be. If two objects were to do, viz. to value and assess the land, and to enumerate and value the slaves, it was new doctrine to him, if these two things would not cost more than if only one had been done; or, if this business would be done for nothing, it would be one of the first things the United States had had done upon those terms.

Upon the collection there would also be an additional expence and a probability of loss; the more detail there was in the business, the greater the liability to error and loss to the United States; and in proportion to this loss, would these states pay less than others.

Mr. Hartley said he should at present vote for the proposition; but should feel himself at liberty to vote differently on the bill, if he did not approve it. Difficulties arose in his mind as to the propriety of taxing personal property in one state and not in another, by which means a bounty seemed to be given on land in the southern states to the amount of the difference of the taxes between the land in those states and that in other states, upon which purchasers would naturally calculate. This difficulty might probably be removed from his mind; and, therefore, in order to give the whole of the business a fair chance, he should wish the resolutions to go back to the committee of Ways and Means to bring in a bill.

Mr. Page did suppose that gentlemen coming from states which were in the habit of collecting direct taxes, would have endeavoured to accommodate the business to the situation and circumstances of different states, so as to make the system the most convenient to each. He did suppose, that whenever it should have been determined to enter upon direct taxation, that sums would have been apportioned to each state, and that they would have been left to themselves to have raised the money in the way which they thought most convenient. Insurmountable objections, however, it seemed had been found against this system, as appeared from the report of the Secretary of the Treasury; but it was unreasonable that the northern states should complain that the southern states would pay the tax with greater facility than them. They might, he said, as well complain against the richness of their soil, or the warmth of their climate.

With respect to the tax falling lighter on them than on other states, those who held slaves would find it lighter, but those who had none, would not. But he thought it extraordinary, that whilst they were upbraided with holding a species of property peculiar to their country, they should also be upbraided with wishing to pay a duty upon that property.

M. P. said he did not see what difference it could make to other states, that they raised a part of the tax required of them from slaves. The secretary of the treasury had recom-

mended this mode, the committee of ways and means, had reported accordingly, and they were ready to pay a tax for their slaves, in addition to the expence they were at for them already; for, it should be recollected that persons holding slaves, contribute largely to the duties collected from imposts, by the purchase of flannels and cloth, rum, molasses, &c. necessary for their food and clothing.

If a person living in a state where slavery did not exist, paid something more for his land, the difference was certainly not equal to the satisfaction he must enjoy, in reflecting that his state was free from that evil. His land, on that account, would be worth three times as much, as land of the same quality in the Southern States. Why, then, do gentlemen complain? the Southern States themselves might have objected to this tax; they might have doubted the constitutionality of it; indeed he did doubt it, but he had agreed to it; and he believed there was no better way of making the tax go down in those states, than by the present measure.

For his own part, M. P. said, he wished he lived where there was no slavery; and if he could find a climate he liked as well, he would change his situation on that account.

Mr. Brent said it was a very extraordinary thing that gentlemen who represented states where there were no slaves, should oppose a tax on that species of property, and that the Southern states where slavery existed, should be advocating that tax.

By the report of the secretary of the treasury, there appeared a deficiency of revenue, and in order to supply that deficiency, they had determined to have recourse to direct taxes; and, after the amount which each state ought to furnish, had been ascertained, he thought it should have been left to the different states to have raised the money from such funds as they judged best, provided they had been secure. This, he thought, would only have been liberal and proper. It had, however, been determined otherwise; but, from a knowledge that by introducing land and slaves together, as objects of taxation, the tax would be more equally levied in the Southern states, if that plan had been adopted. And surely, he said, it could have given no satisfaction to any other state, that by laying a tax on land only, it should have operated in a very oppressive manner in some parts of the Southern states, and scarcely have been felt at all in other parts of those states; and yet this should appear

to be the opinion of the gentleman from New-Hampshire ; for he had said, if this law passed, a person possessing landed property in New-Hampshire of the value of 1000l. would pay more than a land holder to that amount in the southern states. And was this, he asked, a subject of regret ? If the state of Virginia paid the amount required of her in a manner which bore most equally upon the whole of her citizens, ought that to displease the citizens of other states ? He thought not. He was of opinion that it would be a desirable thing that the tax should be found to fall equally on the citizens of every state.

Another objection produced by the gentleman from Connecticut, (Mr. Goodrich) was, that a tax on this species of property would not be so secure as a tax on land. If that gentleman had been acquainted with the situation of the Southern States, he would have known that slaves formed the most certain fund of those States ; for whilst their wide and extensive waste lands would not command any price, slaves were always ready sale. Hence it arose that the States were not able to raise a tax on land, whilst a tax on slaves had never failed to be productive.

With respect to the inconvenience or expence attending a tax on slaves, in Virginia, he said no expence would be necessary ; because it was the custom of that State to take annually a list of their Slaves, which was regularly recorded in the archives of the State. If gentlemen were, therefore, so economical that they would not expend a few of the public pence to get a list of this property, let them recur to the document he had mentioned, which might be done without expence.

To those who know the situation of the Southern States, the remarks made by the gentleman from Pennsylvania (Mr. Gallatin) must have been irresistably impressiv. Almost the whole of the lower part of the Country possessed property of this kind, whilst the upper parts had scarcely any. If a tax was, therefore, imposed upon land only, the upper part of the Country would be extremely aggrieved, and would murmur, and they would murmur with justice.

Gentlemen from the Eastern States called upon the Representatives of the Southern States to point out a mode by which they might come at the personal property of their States. But, he would ask them, if, independent of land with its improvements, they possessed any other species of property which could not be eluded ? He believed they

could not point it out; why, then, call upon gentlemen from the Southern States to do, what they, who certainly knew best their own resources, were unable to do.

The Gentleman from the Southern States, he said, had discovered those objects which they thought best able to bear the burthen; and if the representatives of the other States were not satisfied with the tax on land, let them come forward and say what other property they have equally secure, upon which a tax may be laid.

It was a phenomenon, he would again say, that the Representatives of States where slavery existed should be contending for a tax upon Slaves, and that Members from States where slavery was not tolerated, were opposing it. He could not help believing that the real object of gentlemen had not been avowed. It was something hidden and unseen.

Mr. Kittera said that the opposers of this part of the resolution, were the opposers of a direct tax altogether. It was observable that those upon whom the tax would fall did not complain. It was extraordinary that the complaints should come from another quarter. As to the objections of his colleague (Mr. Hartley) that part of the tax being laid on slaves in the southern states, would affect the value of land, he said it would make no difference whether the tax was on land or slaves, as it affected land, its operation would be the same. It was therefore no solid objection against the resolution.

On the question, that the house do agree to the last part of the said resolution, in the words following, to wit:

“ A tax on slaves, with certain exceptions.”

It was resolved in the affirmative, yeas 68, nays 23.

Those who voted in the affirmative, are,

Fisher Ames.	George Dent,
Abraham Baldwin,	George Ege,
Thomas Blount,	William Findley.
Theophilus Bradbury,	Abiel Foster,
Richard Brent,	Jesse Franklin,
Daniel Buck,	Albert Gallatin,
Samuel J. Cabell,	James Gillespie,
Gabriel Christie,	Nicholas Gilman,
Thomas Claiborne,	Henry Glen,
Isaac Coles,	Christopher Greenup,
William Cooper,	Andrew Gregg,
William Craik,	William B. Grove,
James Davenport,	Wade Hampton,

George Hancock,
Robert Goodloe Harper,
Carter B. Harrison,
Thomas Hartley,
John Hathorn,
Jonathan N. Havens,
William Hindman,
James Holland,
Andrew Jackson,
John Wilkes Kittera,
Mathew Locke,
Samuel Lyman,
Samuel Maclay,
Nathaniel Macon,
James Madison,
John Milledge,
Andrew Moore,
F. A. Muhlenberg,
William Vans Murray,
Anthony New,
John Nicholas,

Alexander D. Orr,
John Page,
Josiah Parker,
John Patten,
Francis Preston,
Robert Rutherford,
Samuel Sewall,
Samuel Sitgreaves,
Israel Smith,
Isaac Smith,
Samuel Smith,
William Smith,
Richard Sprigg, jun.
William Strudwick,
John Swanwick,
John E. Van Allen,
Philip Van Courtlandt,
Abraham Venable,
Peleg Wadsworth.
John Williams, and
Richard Winn.

Those who voted in the negative, are,

Nathan Bryan,
Demsey Burges,
Joshua Coit,
Samuel W. Dana,
Henry Dearborn,
Dwight Foster,
Nathaniel Freeman, jun.
Chauncey Goodrich,
Roger Griswold,
Thomas Henderson,
George Jackson,
William Lyman,

Francis Malbone,
Elisha R. Potter,
John Reed,
John S. Sherburne,
Jeremiah Smith,
Nathaniel Smith,
Zepheniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson, and
Joseph B. Varnum.

And then the main question being taken, that the house do agree to the resolution, as reported by the committee of the whole house,

It was resolved in the affirmative, yeas 49, nays 39.

Those who voted in the affirmative, are,

Thomas Blount,
Richard Brent,
Daniel Buck,
Samuel J. Cabell,
Thomas Claiborne,

Joshua Coit,
Isaac Coles,
William Craik,
George Dent,
George Ege,

William Findley,
 Albert Gallatin,
 Nicholas Gilman,
 Henry Glen,
 Chauncey Goodrich,
 Christopher Greenup,
 Andrew Gregg,
 William B. Grove,
 George Hancock,
 Carter B. Harrison,
 Thomas Hartley,
 John Hathorn,
 Jonathan N. Havens,
 William Hindman,
 John Wilkes Kittera,
 James Madison,
 John Milledge,
 Andrew Moore,
 F. A. Muhlenberg,
 William Vans Murray,

Anthony New,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 Josiah Parker,
 John Patten,
 Francis Preston,
 Robert Rutherford,
 Samuel Sewall,
 Samuel Sitgreaves,
 Isaac Smith,
 Samuel Smith,
 William Smith,
 Richard Sprigg, jun.
 John Swanwick,
 John E. Van Allen,
 Philip Van Cortlandt,
 Abraham Venable, and
 John Williams.

Those who voted in the negative, are,

Fisher Ames,
 Theodorus Bailey,
 Theophilus Bradbury,
 Nathan Bryan,
 Demsey Burges,
 Gabriel Christie,
 Samuel W. Dana.
 James Davenport,
 Henry Dearborn,
 Abiel Foster,
 Dwight Foster,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 James Gillespie,
 Roger Griswold,
 Wade Hampton,
 Robert Goodloe Harper,
 Thomas Henderson,
 James Holland,
 Andrew Jackson,

George Jackson,
 Matthew Locke,
 Samuel Lyman,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 Francis Malbone,
 Eliza R. Potter,
 John Reed,
 John S. Sherburne,
 Jeremiah Smith,
 Nathaniel Smith,
 Zephaniah Swift,
 George Thatcher,
 Richard Thomas,
 Mark Thompson,
 Joseph B. Varnum,
 Peleg Wadsworth, and
 Richard Winn.

The House then went into a committee of the whole on the bill for giving effect to the laws of the United States in the State of Tennessee, Mr. Coit in the chair.

A considerable debate took place (which however was not of sufficient importance to be given in detail) on the subject of the salary of the District Judge to be appointed under the act. The bill provides that he shall be paid 1000 dollars a year. Mr. Swift moved to amend the bill by striking out 1000, to insert in its place 800. This motion was supported by Messrs. Williams, Henderson, W. Smith, W. Lyman, and Kittera, on the ground of 800 dollars being sufficient to afford a handsome maintenance in that country; that it was equal to the pay of any judge in the union, considering the duties he would have, and the cheapness of living; that if compared to the salaries allowed by that state to its officers, it was an high salary, as their district judges were allowed only 63 dollars a circuit, and their governor only 650 dollars a year; that if more was allowed it would be doing an injury to the state, as it would tend to make their officers dissatisfied with their pay: that to pay a larger sum would bring a charge of extravagance upon the government: that the district judge of Vermont had only 800; and that if a 1000 were given to the judge of Tennessee, it would not only lead him to expect an augmentation of salary (which he had already applied for) but every judge in the union would expect to be advanced. This, it was said, was a serious consideration, since a judge's salary could not be lowered, and to hold out an idea that they might be increased on application, would have the effect to make the judges in some degree dependent on that House. The present want of money also cautioned them against extravagance.

On the other hand, Messrs. A. Jackson, Holland, Blount, Macon, Buck, Thatcher, and S. Smith were in favour of the salary being 1000 dollars. In order to induce men of abilities to accept of such offices, they wished them to be liberally paid; that no judge in the union had a less sum, except the judge of Vermont, whose salary they hoped would be increased; that though most of the necessities of life were tolerably low, yet every article imported was very high in that country, owing to their distance from the sea; that he would have four times a year to travel through the wilderness, which was always attended with danger, and which, if a war should at any time take place with the Indians, would be at the risk of his life: that the salaries of the state officers ought to be no

rule in this case, since the state was poor, and they had generally been accepted from patriotic motives; it was added that they had not been in the habit of being guided by the practice of states, who were mostly too penurious in the pay of their officers; the members of Congress received double the pay of the members of any of the state legislatures, and they heard of no *complaint* on that ground.

The question on the amendment was put and carried 39 to 35. The committee then rose and obtained leave to sit again. Adjourned.

Monday, January 23.

The Speaker laid before the House a certificate and return from the governor of Massachusetts, of the election of Thomson J. Skinner (in the place of Mr. Sedgwick now in the Senate) who appeared, and the usual oath having been administered to him, he took his seat accordingly.

Mr. Swanwick, from the Committee of Commerce and Manufactures, reported on an application made from the Legislature of Massachusetts, for a light house to be erected on Gay Head, that as three light houses had already been erected principally for the convenience of Nantucket, that as no other place would receive special advantage from a light house on Gay Head, considering the present state of the Revenues of the United States, they recommended that the subject should be postponed till next session. The report was read a second time and the house concurred.

Mr. Swanwick, from the same Committee also reported a bill in addition to an act for mitigating and remitting certain penalties incurred under the Revenue Laws, making it to extend to the acts relative to the registering of ships, and to vessels employed in the fishing and coasting trade. The bill was twice read and ordered to be committed to a committee of the whole on Wednesday next.

Mr. Swanwick also reported a bill relative to the compensation of certain officers employed in collecting duties on imposts and tonnage, proposing to allow the collectors of the several ports instead of their present salaries, a certain per centum on the amount of duties collected, with sundry other regulations. It was read a second time and ordered to be committed to a committee of the whole on Thursday next.

Mr. Gilman, from the Committee to whom was referred the business relative to the Refugees from the British provinces of Canada and Nova Scotia, reported a bill.

Mr. Dwight Foster, from the Committee of Claims, made reports on the petitions of Edward Thompson and David Alshouse, which were twice read and concurred in by the House. After which, Mr. Foster moved that the report on the petitions of William Clark, Peter Lee, Cutlip Nestler, and John Stephenson, made the other day, being upon the same principle with these, should be also concurred in ; they were read and concurred in accordingly.

Mr. Sherborne presented a petition from Samuel Morrill, praying for arrears of pension ;

Mr. Hartley also presented a petition from Francis Macdonald, praying for relief on account of a lost certificate. Both were referred to the Committee of Claims.

A petition of Nathaniel Cushing was presented, praying permission to locate warrants for a certain tract of land in the territory N. W. of the Ohio. Referred to the committee appointed the 5th inst. on the sale of lands in that territory.

Mr. S. Smith moved for the order of the day on the report for ascertaining and fixing the Military Establishment ; but, on being informed that the unfinished business of Friday had a priority, he withdrew his motion till that should be disposed of, when

The House resolved itself into a Committee of the whole, Mr. Coit in the chair, on the bill for extending the laws of the United States into the State of Tennessee, which having gone through without further amendment, the committee rose, and reported the bill. The House took it up, and having agreed to the amendment, ordered the bill to be engrossed for a third reading to-morrow.

Mr. Dearborn moved the order of the day on the report of a select committee, relative to compensations to be allowed to certain officers of the United States ; but, after some conversation on the propriety of taking up this subject before the report of the committee on the subject to ascertain and fix the Military Establishment of the United States, the House went into committee on the latter subject.

Mr. Muhlenberg in the chair.

The following report from the committee was read :

Resolved, That in their opinion, all such parts of the act which relate to the light dragoons, ought to be repealed.— That a Major General, and his staff, are not longer necessary ; they therefore recommended a repeal of the third section of the said act, together with all other parts thereof, which relate to the Major-General and his staff ; and they recommend the following resolutions, viz.

Resolved, That there shall be one Brigadier-General, who may chuse his Brigade Major and Inspector, from the captains and subalterns in the line; to each of whom there shall be allowed the monthly pay of dollars, in addition to his pay in the lines, and two rations extraordinary per day; and whenever forage shall not be furnished by the public. to ten dollars per month, in lieu thereof. That there shall be one Brigade Quarter-Master, one Brigade Paymaster, and one Judge Advocate, who shall be taken from the commissioned officers of the line, and each of whom shall be entitled to receive two rations extra, per day, and dollars per month, in addition to his pay in the line—and whenever forage shall not be furnished by the public, there shall be allowed to the Brigade Quarter-master, dollars per month, and to the Brigade Paymaster and Judge Advocate, each dollars per month, in lieu thereof.

“ *Resolved*, That so much of the 23d section of the said act, as may be construed to effect the Brigadier General and his staff, be, and is hereby repealed.

“ *Resolved*, That eight privates be added to each company of infantry.

“ *Resolved*, That from and after the day of next, the pay of the Lieutenants shall be thirty dollars, and that of the Ensigns, twenty-five dollars per month. That to the Brigadier, while commander in chief, there shall be allowed rations per day extraordinary; and each officer commanding a separate post, shall be entitled to receive twice the number of rations to which he otherwise would be entitled:

“ *Resolved*, That the Majors be entitled to receive four rations per day, for their subsistence.”

Mr. Baldwin said, that a question ought to be taken first on the dismissal of the dragoons in the first part of the report.

Mr. Dayton (the Speaker) said that he wished the select committee would inform the committee of the whole whether this part of their report was the result of a conviction that cavalry would be unnecessary for the defence of the frontiers, or whether they meant to substitute two companies of militia horse in the place of the regular corps proposed to be dismissed. If the latter was the object, Mr. Dayton hesitated not to say that it ought not to be adopted. It was well ascertained that the militia cavalry were more expensive than the regulars, that the former was far more harassing to our citizens than the latter, and that on account of their attention being necessarily divided between their families and their military

duty, less real service could be expected or required from them. If therefore any horse were necessary, he was persuaded that those now in service should be retained as affording more effectual and more economical protection. The expences of enlisting the dragoons and of purchasing the horses had already been incurred. But if the select committee were satisfied that the employment of any horsemen was unnecessary, and a majority should concur with them, then Mr. Dayton said he should rejoice at the prospect of a saving of expence in this particular instance.

Mr. S. Smith said, he did not know that the question relative to repealing so much of the act as related to dragoons, was under consideration, or he should have thought it necessary, without being called upon, to have given the information enquired for; but he thought the question had been upon adding the word "Resolved" to the first article of the report. The select committee, in taking the subject of light dragoons into consideration, was of opinion, that there was no immediate necessity for horse on the north-western frontier; for, as all the supplies would now be transported by water, there would be no necessity for light dragoons to conduct them. They also took into consideration the southern frontier, and were of opinion that no horse were necessary there, and therefore, that the two troops of horse might be dispensed with.

This, he said, was the ground of the report; but since the report was made he had had some conversation with the secretary of war, who had politely shewn him the correspondence which had taken place betwixt him and the Governor of Georgia, by which it appeared that it had been necessary to keep up one or two troops of militia horse on that frontier: and he found that the secretary of war, discovering that two companies of horse were not necessary on the north-western frontier, had sent one company, and intended sending the other, to the frontiers of Georgia, believing that continental troops would be more useful than militia, and also prevent the harrassing too much the yeomanry of that country by that service.

He thought it necessary thus far to state the opinion of the secretary of war. The estimate of the expence of the two companies of militia, he found to be 26,505 dollars, whilst that of the regulars was only 22,212, making an equal number of militia horse more expensive than the continental cavalry, by nearly 4,300 dollars. The secretary of war seemed to think it was necessary either to keep up the military horse,

or send cavalry to that frontier. The gentleman from Georgia would, perhaps, be able to say which would be the most pleasing or necessary.

These two companies of horse, it was true, Mr. S. said, cost as much as a regiment of infantry; and if the frontier was to be protected, it became a question whether a regiment of infantry would not be more effectual, than two troops of horse.

Mr. Dearborn said, if it should appear to the satisfaction of the committee that two companies of horse were necessary on the frontiers of Georgia, no member would hesitate about retaining the two companies already in the establishment; but he was not convinced that any horse was necessary. He acknowledged he was not very well acquainted with that frontier, but he could see no good and substantial reason, why, in time of peace, garrisons would not answer the purpose there as well as on the north-western frontier. If it were said the garrisons were so far apart as not to be a sufficient defence, he believed more infantry might be spared for that quarter, which would be vastly cheaper, and quite as useful as horse. He supposed these troops were wanted to prevent the people of Georgia from going into the Indian territory, and the Indians from coming within the boundary of Georgia, and that horse were considered more effectual for this purpose; but he could not see what effect a small body of horse could have, more than infantry. If the white people, or Indians, could not be kept in obedience, without being watched from hour to hour, they might as well make a chain of defence from one end of the frontier to the other; but he saw no reason to induce him to keep up such a patrol on that frontier, any more than upon others. If any gentleman could shew the necessity of these troops in time of peace, he should be for negating the report; but, until that was shewn, he should remain of the opinion that it would be of no use to retain the cavalry.

Mr. Venable wished to know whether the purchase of horses was stated in the estimate; for he had remarked that there had been almost continually an annual purchase of horses.

The Clerk read from the estimate that 9450 dollars were charged for the purchase of 62 horses, from which a deduction of 5792 dollars was made for the value of the horses at the end of the year.

Mr. S. Smith said the whole charges of two companies of dragoons was 52,000 dollars a year.

Mr. Baldwin said it had been suggested the last session, when the subject was under discussion (and he was of the opinion) that the cavalry was unnecessary; and it would be recollected that the house first determined upon having only one company, but afterwards they resolved upon two. From the intercourse which had taken place betwixt the Secretary of War and the Governor of Georgia, it appeared that horse were preferred to infantry for guarding that frontier; and as only since months had elapsed since the law was passed, he did not think it necessary now to make any alteration in it; for if they went again into the business, they should probably come to the same thing again. In one part of the frontier, it appeared that cavalry was the best defence; in another infantry. He had therefore, reconciled his mind to the measure, and saw no reason for the proposed repeal.

Mr. Dayton rose to make reply to the member from Massachusetts. That gentleman had undertaken to instruct him in his duty, and seemed to have forgotten or neglected his own. Without advocating absolutely the retention in service of the two companies of cavalry, he had exercised a privilege which he enjoyed in common with other members, to ask from the select committee whose peculiar duty it had been, and who had a better opportunity to procure it, some information as to the usefulness of the cavalry, and some explanation as to the effect of adopting this part of their report. He was desirous of having it understood before the vote was taken whether the cavalry were to be disbanded as too expensive, unprofitable and unnecessary, or whether they were to be discharged in order to make way for the employment of an equal or greater number of militia horse. Which ever of those two objects had been the favorite one of the committee did not appear from the question under consideration, nor from any part of the report. Yet it was certainly important that there should be a perfect understanding as to the tendency of the measure before it was adopted. This inquiry would not be deemed fruitless or improper by those who recollected the arguments which were urged and actually prevailed in a former session in favor of a reduction of that corps from four to two troops. They were then told, and Mr. Dayton owned that he himself believed it, that by that reduction they would save to the United States the expence of paying, subsisting and equipping two troops of horse. Could it be said that the event had corresponded with their expectations, and that they had realized the saving which

had been contemplated? On the contrary he asked if it was not true that two troops of militia horse had been kept up to supply the deficiency, at an expence to the public of about eight thousand dollars more than would have been incurred if the reduction had not taken place. He had certain information that two militia troops had been continued in the pay and service of the United States from that time to this, and that even a third had been called out and employed a part of the time. It had been proved to the conviction of every member by an estimate founded on actual expenditures, that a troop of militia would exceed in expence that of regular cavalry about 4300 dollars per year. Another source of extraordinary expence ought also to be taken into the calculation. The militia generally are called into service under circumstances that rendered it inconvenient to absent themselves long from their families, and therefore the real claims and pretexts they could set up for furloughs, and the facility with which they could procure them from officers who were not in habits of severe discipline, made it necessary to have three companies upon the musters, and of course in pay, in order to ensure the actual service of two only. These inconveniencies had already been experienced to their cost, and ought to operate as a lesson of caution in future. Congress had reduced on a former occasion their squadron of horse from four troops to two, yet two troops of militia had been kept up to supply their place at a greater expence. They had, it was true in consequence of the reduction, reduced the appropriation for the military establishment about 44,000 dollars, but it was equally true that the militia that were substituted, had swelled the expenditures under the general head of the defensive protection of the frontiers about 52,000 dollars.

It was of little consequence to the people of the United States under which head of expenditure the expences were incurred, whether that of "military establishment," or "defensive protection of the frontiers" if no saving was produced by the transposition. That there had been no economy in the former instance of reduction, but on the contrary additional expences was clear, and they ought now to consider the question as deciding whether any horse of any description were necessary, and if the reform and disbandment of those in service should be determined upon, they ought to carry the same determination into the appropriation bill and reduce the charges under the head of defensive protection of the frontiers in the same proportion. If they acted otherwise, they would

be deceiving themselves, or rather they would be deceiving their constituents by holding up to them an appearance of saving under one head of expenditure, and as certainly though somewhat more disguisedly squandering away the same or greater sum and for the same purpose under another head, and that more general, and less capable of being checked.

Mr. Nicholas did not think the information before them was complete. He thought it extraordinary that the gentleman from Georgia should have thought the cavalry unnecessary six months ago when it was said they were wanted on the north-western frontier, and now, when they were found to be unnecessary there, that he should think them necessary in another place. It was true that a regulation had been made at that time in the military establishment, but it was not less true that they had been deceived with respect to what was necessary. He wanted to know, not only whether cavalry was less expensive than militia horse, but whether either were necessary, and what they were to do. He had no information on the subject. They had been told that two or three governors of Georgia had recommended cavalry to be sent there; but in the course of that time, they had been at war with the Creek Indians, and were now at peace.

It appeared to him as if they were never to reduce their expences: whether we were at peace or war, no alteration was made in our establishments; for, if men were not wanted in one situation, they were sent to another, though no real necessity existed for them. He hoped they should receive further information on the subject, if there was any need of retaining the cavalry proposed to be dispensed with.

Mr. Dearborn said that he expected the gentleman from New-Jersey, (Mr. Dayton) instead of shewing that cavalry would be cheaper than militia horse, would have shewn that either one or the other was necessary; because if any were necessary, he had allowed that regulars were preferable to militia; but instead of shewing that, he had told them that two or three governors of Georgia had said that two or three companies of horse were necessary. He had no doubt the governor of Georgia might say they were necessary now; he could not say how disinterested he was. He had no doubt, but the people of the district of Maine, and in other situations, would have no objection to have two companies of horse kept up there at the public expence. How far this kind of evidence ought to have weight, the house would determine. For his part, except these horse could be shewn to be necessary

from the situation of the country, independent of the opinion of any governor, he should be for agreeing to the report before them; for, if these troops were to be sent there without necessity, in two or three years they should be told they had no occasion for them; but so long as they should agree to pay these horse, to do he did not know what, he did not expect to hear of any objection from that quarter. Being at perfect peace on the north-western frontier, a large number of infantry may be spared from that quarter for the defence of the Georgia frontier, if necessary; but except he heard stronger reasons for the measure than he had yet heard, he should oppose the retaining of horse in our establishment.

Mr. Milledge said, it was well known that they had an extensive frontier of betwixt 2 and 300 miles, and that the governors of Georgia had always been of opinion that horse were the best defence for that frontier; that they bordered on a numerous savage tribe of 10 or 12,000 men, from whom they were always subject to inroads; and who, in a state of peace, were always committing depredations upon them, so that it required troops to be constantly passing backwards and forwards to keep them in order. Dragoons, he said, had been constantly employed for that purpose, and it had been allowed that the expence of militia horse was greater than that of regulars; he hoped, therefore, the law would remain as at present, and that horse would be sent to defend that frontier.

Mr. Williams observed, that when the bill passed last session, it was said that these horse would be wanted to convey information from one garrison to another on the north-western frontier. This necessity no longer existed, and of course, these troops may be dispensed with: but it was said, they were wanted on the frontiers of Georgia, because the frontier was betwixt 2 and 300 miles in extent; but was this frontier more exposed to danger than the north-western frontier? He believed not. It was time, he said, that they endeavored to reduce the expences of government, wherever they would admit of it, and he believed this object of expence might well be spared.

During the last session, Mr. W. said, that they had laid before them the number of troops in service, and he expected to have had a similar account this session, not only of the troops in actual pay, but where stationed; for, though he had the highest opinion of the officers of their departments,

he wished to form his own opinion on every subject upon which he was called to vote.

When this subject should have been fully discussed, he should wish the committee to rise, for the purpose of obtaining further information on the business.

Mr. S. Smith said, the information which the gentleman last up wished for, had not been unattended to by the select committee; but the new organization of the army from legions to regiments, which had lately taken place, and the death of General Wayne had prevented regular information on the subject from being obtained from the secretary of war. Neither the number of men, nor their station could be accurately ascertained; nor was this essential, because where the troops are now, is not where they will shortly be. After the necessary garrisons were furnished, he believed there would remain out of the four regiments, six or eight companies.

If the committee rose, Mr. Smith believed no more information could be obtained on the subject.

It was asked whether cavalry was necessary for the defence of the southern frontier. The secretary of war had said they were; and if the present cavalry were not retained, he supposed militia horse would be employed, the expence of which it had been seen would be greater than that of regulars.

Mr. Hartley said, he was upon the select committee, and very reluctantly agreed to this part of the report. The expence of the horse, it was true, was a very important consideration. Upon enquiry, it was found that dragoons were not necessary on the north-western frontier; but that might not be the case in the southern. The people of Georgia, it seemed, considered dragoons as the most proper defence, and he thought they might be indulged with so small a number as two troops of horse, since it would be less expensive than employing the militia.

Mr. H. said, from a consideration of doing away the cavalry, it had been recommended to add eight men to each company of infantry; but, from the present state of things, he should think it his duty to oppose the repeal of that part of the act.

Mr. Holland said when this subject was formerly before them, a part of the House wished to have dispensed with the dragoons; but it was said they would be necessary for conveying information, &c. It now appeared, however, that they were not necessary, and that the minority on that occasion was right. But now, it was said, they were necessary for the

protection of the frontiers of Georgia. He saw no reason for this, nor did he think that country was in greater danger from the Indians, than the frontiers in other parts of the Union. Indeed it had somewhat the advantage of other parts, by the openness of the country.

It was the opinion of the governor of Georgia, it seemed, that horse were necessary, and that cavalry would be cheaper and better than militia horse; but the necessity did not appear, and until it did, that House was not to be governed by the opinion of one or two gentlemen. It was necessary they should judge for themselves.

Mr. Rutherford said this was a matter of moment. Dragoons were expensive, and they had no business with them. To keep up a battle array in time of peace, was inconvenient. When they were desirous of decreasing their expences, this was an object of importance. With respect to the frontier, he said, he looked to the frontier of every part of the union with as much feeling as any man. He knew the difficulties experienced on all frontiers, he had long been acquainted with them; but when he considered that two companies of dragoons were called for to protect a frontier of 300 miles, they were not competent to the business. If an emergency should take place, and those savages—those uninformed creatures—should make war upon the frontier inhabitants, the governor would, of course, call forth a certain number of the people—the militia—according to the emergency, and this appeared to him a more rational defence than sending of two companies of dragoons to watch their motions. Reason, he said, was outraged by the idea. It would please him to keep up a large force, as we had many martial men of desert; but it would be deceiving of them, to give them a momentary employment, when they could engage their time better; as when the situation of the country wanted them, they would be ready to come forward; but, in the mean time, they would do well to find some useful occupation.

Mr. Gallatin said, whether they considered the increase of expence which had taken place in every branch of the military establishment; or whether they compared our present situation with the danger which threatened us when this establishment was fixed; or the present situation of our finances, they must approve of the report before them, as it related to a reduction of the military establishment. It must be remembered, he said, that this establishment was fixed in March 1792, immediately after the defeat of General Sinclair. At

that time, the dragoons were added, and three additional troops of infantry; and, in order to shew that the addition was made only for the emergency, there was a provision in the act to this effect, "provided that the same three troops shall be disbanded as soon as peace shall take place with the Indian tribes."

Last year, he said, it was thought that circumstances being changed, peace being established, it was necessary and proper to reduce the infantry and abolish the cavalry; but it was said they were wanted to take possession of the posts, &c. And now all those purposes were completed, the cavalry were wanted for the frontiers of Georgia; and if that frontier were completely secured, he supposed some other reason would be found for retaining these troops in service.

If they were to indulge every state, Mr. G. said, which chose to make a requisition for troops, without enquiry, there might be no end of the expence. They might be called upon by Tennessee, Kentucky, and the north-western frontier, for regular troops, or for the support of militia, to an extent not to be calculated.

Mr. G. thought it was their duty to reduce the army to the footing upon which it stood in 1792. He thought nothing had taken place to make it necessary to extend the establishment beyond that time, the possession of new posts, and our treaty with Spain having also given us security with respect to the Creeks. As to the protection of the frontiers, no person desired more than him, to afford them protection; but he had no idea that they should spend for that purpose whatever they were called upon for.

The frontiers of the United States, he said, had always been exposed to depredations from the Indians; but he considered those depredations as arising from the peculiar situation of the frontier inhabitants; and it was only when there was danger of an open war, that it was necessary for government to interfere: till then, the exertions of the inhabitants themselves was sufficient. If they recurred to the year 1792, it would be found that the protection of the frontiers cost 94,000 dollars; in 1791, 52,000 dollars, when the danger was the greatest. He, therefore, thought there was nothing more necessary than the will of the United States to reduce the present establishment; but if the legislature did not make the proper reductions, by agreeing to the present report, the expence would be incurred. He hoped the report would

be agreed to, and that they should go still farther in lowering the establishment.

Mr. S. Smith said the select committee were directed to report what alterations were necessary in the act, not to enquire with respect to regulations in the military department; not to report what was cheapest; from the report this conclusion would be drawn, that no cavalry was necessary, as that part of the act was recommended to be repealed. He imagined the gentleman from New Jersey would have drawn that conclusion, and have spared his censure of the committee.

The question was put and carried, there being 64 in favour of it.

Mr. Williams said we were either in a state of peace or of war, if we were in a state of peace, he did not see any reason why the establishment should be larger than in 1792. He therefore moved to add, after the word "repealed," "*and that the four regiments of infantry be reduced to two.*" If at any time we should be disturbed on our frontiers, he considered that there was virtue enough in the yeomanry of the country, to take care of the frontiers. Where our troops were, he said, he could not tell. It was supposed we had 3,000 men; but they had no return to know what number they had. To keep up four regiments, when only two were necessary, was an expence thrown away. He should have wished to have seen an estimate; but, as none had been made, he wished the four regiments to be reduced to two.

Mr. S. Smith hoped the motion would not prevail. He had not before him the number of troops, or a calculation of what were necessary; but it appeared to him, that the number of troops was not greater than would be necessary for the different posts. It would be recollected that there was a considerable scope of country from Tennessee to the Mississippi, not before in the possession of the United States. At this moment, he believed, it would be unsafe to lessen the number of troops. Indeed, he was surprized to hear the motion, as it was the first time he had heard such a thing intimated, as a reduction of the infantry, and was unprepared to meet the attack.

Mr. Williams said, if the gentleman was not prepared, he would move that the committee rise. If there was occasion, he said, he should always be willing to keep up a sufficient number of troops; but if the present number was unnecessary, he wished to reduce them, as he was unwilling to do any thing which would lead one part of society to live upon the industry of another.

Mr. Murray said he was but little acquainted with military affairs; but it appeared to him natural and proper that a communication should have been had from the proper department, before a motion like the present had been made. It was true, they had the power of raising armies; but the President of the United States had the direction of them when raised; and he thought it was very natural for them to have some reference to the executive, or war department, and to have received such an official statement from thence, as would have saved much enquiry and loose information.

There was another point of view in which the gentleman from New-York (Mr. Williams) had placed the subject. He had said, we were either in a state of war or of peace. In making this assertion, the gentleman seemed to have an eye to European countries. There the language might be properly used; but, said he, we live in a country in which we cannot say, it is either war or peace. There was a sort of intermediate state; and until that unhappy race of men, who live in an uncivilized state in our country, be extinguished, that will always be the case: a state which requires vigilance, even an armed vigilance, to guard against depredations. The frontiers he said, must have stations adapted to their situations. He regretted, therefore, that the two troops of horse, were ordered to be struck out. It was strange, he said, that at a moment that our number of forts was increased, the military establishment should be reduced.

If the motives of gentlemen were to be judged of, those who came from parts of the Union where there was no danger from Indians, were opposing measures intended to secure their fellow citizens who were exposed to danger. In the Atlantic states, he said, we had no cause for alarm; but it was from the principle of wishing to defend every part of the Union; that he should rather vote for an increase, than a decrease of the military establishment.

He hoped gentlemen would turn their attention to that state which was neither a state of peace nor of war; for such must be the situation of frontier inhabitants, since the Indian tribes are not capable of preserving a lasting peace. He hoped the gentleman would retract his motion.

Mr. Williams said, if the gentleman just sat down had known from whence he came, and was at all acquainted with the geography of the country, he must have known that he lived in the very neighbourhood of the Indians. The State of New-York concluded a peace with these Indians only last

fall which had cost them a great deal of money. His house, he said, was within 30 miles of the place where the treaty with the Indians was made, and no post was kept up between them, so that they were always open to incursions from them; but they trusted in the virtue of their militia, the bulwark of the nation. It was necessary to keep the posts occupied with military, but, in time of peace, there was no necessity for any thing further.

With respect to any calculation of the Executive, or the secretary of war, however highly he thought of them, he should wish to depend on his own opinion. The safety of the nation, he said, was committed to him in part, as well as to them; and he was accountable to his constituents, for every farthing of public money which he consented should be spent.

The gentleman's observation, that we were neither in a state of peace or war, was true, but it was also true, that whenever any nation was disposed to break peace with us, we are ready to meet them with the yeomanry of the nation. It was our duty, he said, in time of peace, to retrench our expences as much as possible, so that we may be the better prepared if an emergency should at any time arise.

The chairman informed the House the question was for the committee to rise.

Mr. S. Smith asked for what purpose the committee should rise? No more information could be got than they had at present. He was inclined to hope, that when the gentleman from New York considered the subject, he would vote against his own motion. This, he said, was not unfrequently the case. Long speeches, were often made in favour of a measure by a member who afterwards voted against the doctrine which he advocated. The gentleman talked of the yeomanry of the country; but he believed the troops would be wanted for the posts, which were to be taken possession of, and they must take possession of them for the security of the country; and would the gentleman's two regiments, the nominal number of which was 1000 men, but which was seldom more than 850, be sufficient for all the posts? He believed not. Let us, said he, proceed with the business; let us determine what the military establishment shall be, and not postpone the business from day to day.

Mr. Hartley wished the gentleman from Massachusetts (Mr. Dearborn) who was possessed of information on the subject, would state it to the committee. Upon the best information he could get, he was certain the present establishment

would not be too large. How the gentleman from New-York came to make the present motion, without farther information, he was at a loss to know. They had heretofore charged another house with sacrificing the interests of the country; but he thought they should not fail to do so, if they did not vote a sufficient number of troops to occupy the posts we had lately got possession of. Instead of four regiments being too much, the select committee had recommended eight men to be added to each company. He hoped, the motion, would therefore be disagreed to.

Mr. Varnum did not think it necessary for the committee to rise; but it appeared necessary that they should be in possession of the calculations of the select committee, of the number of garrisons, and of the men necessary for each. Except they had some information of this kind, they could not form a just opinion on the subject. It must be the desire, he said, of every gentleman, that the military establishment should be reduced as low as possible; but without the information he had mentioned, it would not be possible to have a correct idea on the business.

Mr. Read observed, that gentlemen said we were at peace with the Indian tribes. Be it so, said he; and let the most effectual measures be taken to preserve that peace. The Indians, he said, had a very favourable opinion of continental troops; they considered them as their safeguard. Perhaps they were a little jealous of the militia. It was a measure of policy to keep up the continental troops. They might prevent the Indians from injuring the frontier inhabitants, or they them. He did not think it would be prudent to reduce the military establishment.

Mr. Gallatin said, he saw by the report of the committee, that they proposed to add eight men to a company; the motion of the gentleman from New York brought the discussion fairly before them, and they could determine, whether eight men should be added to each company, or whether the four regiments should be reduced to two.

The select committee, he said, had brought forward no estimates. The chairman of that committee (Mr. S. Smith) had said that it was not possible to obtain information of the number of men in pay, or where they were at this time; but, if this information could not be obtained, he was sure that it was possible that the number of posts might be told, and the number of troops required for each. When they had such information before them, they would be able, he said, to deter-

mine whether the military establishment ought to be reduced or increased.

In order to obtain this information, he wished the committee to rise ; but if the select committee thought none could be obtained ; that the secretary of war cannot, or will not, for some reason not to be communicated, give any particulars on the subject, if he had no further information, he should vote for the motion of the gentleman from New York. And if the gentleman of the committee have no more, and can get no more information, it would be best to go on to a conclusion of the business.

The motion for the committee to rise was put and negatived, 55 to 29.

Mr. Dearborn said it was not in the power, he believed, of the Secretary of War, to give just information as to the number of posts to be garrisoned, or the number of men to be placed in each. It appeared that a very general discretion had been given to the commander in chief. He had made such arrangements as he thought proper ; but, having died on his way, there had not been the information transmitted to the War-Office, which otherwise would have been there.

The select committee, for their own satisfaction, with such assistance as they could get, had made a calculation of the number of posts, and the men which would be requisite for each. The posts in their contemplation were, Oswego, Niagara, Presqu'isle, Detroit, Miami, Michalimackinac, a post near Lake Erie, a post not far from the mouth of the Illinois, at the Natchez a post a little below the river Ohio, frontier of Tennessee, frontier of Georgia, Fort Washington on the river Ohio, a small post near Fort Pitt, at Pittsburgh, and the fortifications and harbours of the sea coast.

The estimate of the garrisons necessary for these posts was mere matter of opinion, and every gentleman could form his own. It was his opinion that the number requisite for all those places, would be about the number of the present establishment, the cavalry excepted.—At the Natchez, he believed, there would be occasion for a very considerable garrison, as there were a number of citizens there, lately subjects of Spain, who could, at a short notice, raise a militia of 800 men.

Mr. D. said, although he had been in favour of a small number of men, and for a small number of garrisons, yet he was inclined to believe, that the number of troops remaining after the cavalry was deducted, would not be greater than

our present circumstances required. He was of opinion, however, that if the established corps be kept full, and the posts established, and more opportunity was had of knowing what was necessary, perhaps there might be a possibility of reducing the number with propriety; but he could not say at present, there would be too great a number, and should, therefore, be against reducing them.

It would be important for gentlemen to agree what number of men was necessary for each garrison, and consequently what number for the military establishment at large. He supposed, from the calculation of last year, the present number was considerably under 3000. On the first of July last, there were a few over 3000; but after the terms of men whose terms expired a few months afterwards, and from desertions, and other circumstances, they did not, he supposed, exceed 2000; but since the new organization took place, a number of men and officers had not joined their corps; and until that took place no accurate accounts could be had. The saving of the expence of two regiments, he acknowledged, would be a considerable object, if it could be done with propriety; but he did not think it would be proper, at this time to reduce them.

Mr. Gallatin said, from what had fallen from the gentleman from Massachusetts there could be no doubt but the present number of troops would be useful, and that it would be inconvenient to reduce them; but, upon the same ground, the number of troops might even be increased beyond the present establishment, when it was considered the number of posts which had come into our hands, and consequently the number of men required for them. Nor would he wish to reduce the military establishment; but for other reasons. He did not think, in the present situation of our foreign affairs, it would be at all prudent to reduce the artillery.

There was another consideration, however, that would induce him to vote for the present motion, or something like it, it was the reluctance which was shewn in that house to raise the necessary revenue for the expences of government. Notwithstanding our situation had been fully stated, it was with immense difficulty any measure could be got through the house which was intended to raise revenue; they had even a right to conclude, that the measure which was lately carried through the house for direct taxes, would not be agreed to, when the detail of the bill should be brought in. He thought,

therefore, they should confine themselves not to what was useful, but to what was absolutely necessary.

No resolution had hitherto been brought forward to diminish the expence of any department. He would ask in what department the expence could be diminished? The public engagements must be kept. The civil list might, perhaps, give a saving of 20,000 dollars. They were called upon to increase, instead of diminishing the expences. There were other demands this year. There were only two objects, he believed, in which retrenchments could be made, which were the military and naval establishments.

Mr. G. said, he had no doubt that 2000 men would garrison our posts, &c. better than 1000; but he thought 1000 might serve in our present circumstances. Amongst others, he did not think it was necessary to have a post at Illinois or Michalimackinac, or to have a large one at the Natchez. As to the number of men necessary at the different posts, was, as it had been stated, mere matter of opinion. They knew of no force required against the Indians, and a small body was therefore only necessary to be kept in garrison. With respect to other nations, he did not believe the British had any force on the frontiers. He therefore thought there was no occasion for a greater number than in 1792, which was 2,250 men, the number now was 3,160, which made a difference of 910, the number now moved to be struck out. However he did believe, that if they were to make the reduction it would be best done by degrees, and perhaps the best way would be, not to make farther enlistments when the time of men expired; but, if there was any doubt on the propriety of reducing the number of men, there could be no impolicy in striking out a number of officers.

From these considerations, he said, he believed it would be most prudent to make the proposed reduction; though, had it not been for the depressed state of our revenues, he should rather have been for increasing, than for diminishing the present establishment.

Mr. Dayton was much surprised that the gentleman from Pennsylvania, after acknowledging that it would be useful to keep up the present establishment, and after admitting that a reduction of two regiments would be inconvenient to the service, should avow his support of the motion. That astonishment was not lessened upon hearing the reasons that had been assigned for it, viz. a manifest reluctance on the part of the house to increase the revenues. If that member had re-

presented accurately the disposition of the house as to revenue, he would have said, not that there was a reluctance to increase it, but more truly that there was a reluctance to increase it in the *mode* proposed and advocated by that gentleman, *a tax on lands*. Mr. Dayton said that he himself for one, had admitted the necessity of a further augmentation, but in common with many other members, he had expressed his unwillingness to resort to direct taxation, until the less exceptionable means of raising money by indirect taxes had been tried and exhausted. As to the motion which went to reduce the infantry from 2000 to 1000 men, he could not believe there was any probability of its succeeding, as both the public service and general economy forbade it. The member from Massachusetts had enumerated many posts, and some very considerable, where it would be requisite to support garrisons, and others might be added to the list. The frontier of Georgia, Oswego, Fort Schuyler, West-Point, the fortifications along the sea-coast, and the different arsenals and magazines of arms, ammunition, &c. would equally require garrisons of soldiers.

Their present number of two thousand infantry and nine hundred artilleryists and engineers would not be found more than sufficient for the service, especially when it was considered, that the casualties of desertion and sickness which prevailed to a certain extent in every army, must also be guarded against, by encreasing the establishment beyond the numbers which upon strict calculation might be adjudged to be necessary. Escorts also were indispensable in all cases of transportation from one part of their wilderness to another, and more especially when owing to want of water communication, or an unexpected lowness of the streams, or to the obstructions from ice, they were compelled to transport their supplies by land. The reasoning which he adduced when the reduction of the cavalry was in question, would here apply with greater strength, because the necessity of keeping up some regiments of infantry was admitted by all. To discharge the regular troops, and to be obliged, as heretofore, to supply their place with militia, would be found to be profusion rather than economy.

Mr. S. Smith said, the gentleman from Pennsylvania (Mr. Gallatin) had used the only solid argument for reducing the military establishment, viz. the unwillingness of that House to provide revenue. It was a solid argument. But, he said, it was necessary for them to provide for all the wants of the

wants of the country; it was necessary to afford protection to our frontier, and, after they had provided that protection, he trusted that house would not be so lost to its duty, as to fail in providing revenue.

From the civil list, the gentleman from Pennsylvania had observed, there could be little reduction. No saving but from military establishments; but he said, this might be made without any reduction. The major and his staff, which were proposed to be struck out, would be a saving of upwards of 11,600 dollars, the light dragoons were 51 or 52,000 dollars; the rations calculated at 20 cents, might now be obtained at 17, which would lessen the charge 42,000 dollars; the quarter master's department was now 250,000, but now it might be reduced to 100,000 dollars, but, if estimated at 150,000, there would be a saving of 100,000; the carting at 50,000, would not now be one half; the naval department for the present year, was calculated upon twelve months, when it was scarcely possible from the state of the frigates, that they would be fit for more than four months service.

The whole of these items, made a sum of 403,000, dollars. To which he believed, might be added a saving in the civil list of 62,000 dollars. The mint establishment, he did not think necessary, though it might flatter our vanity, and 25,000 dollars might be saved from that source. The savings he had mentioned in the military establishment might be much more, because any loss on account of the contract, would fall upon the contractors, and not upon government; but he trusted they should not make deductions in the establishment which might put the government itself in jeopardy. With respect to the suggestion of striking out officers, he would rather have skeletons of regiments, which might be at any time filled up, for, he believed more men were lost for want of proper officers, than by the sword.

Mr. Nicholas said, that the opinion of the gentleman from Pennsylvania (Mr. Gallatin) that though a greater number of men might be necessary, yet it was necessary they should be lessened on account of the unwillingness of that house to provide revenue, had not been invalidated by what had fallen from the gentleman from New-Jersey (Mr. Dayton) for, though that gentleman had strongly opposed direct taxes, he had offered no substitute for them. Indeed none had been offered except that proposed by the gentleman from South Carolina (Mr. Harper) and he seemed to

have grown luke-warm in its support. And was it to be expected, he said, that when permission to bring in a bill on the subject had only been obtained by a majority of ten votes; when the passage of the plan for a direct tax had been so difficult in that stage of it, was it not to be supposed that there was great hazard of its passing? and if so, was it not incumbent upon the House, least additional revenue should not be provided, to make every saving in their power? he believed it was. He did not wish to put government in jeopardy: but he thought they were called upon to save every shilling in their power. He hoped they should go further with respect to the navy, than had been proposed by the gentleman from Maryland; he had contemplated four months service of the frigates, but he hoped they should have none at all, since it would be found that more money was now wanted to complete the frigates, than was proposed at first, as necessary for the building of them: he hoped, therefore, they would not at present be proceeded with.

Mr. Craik said he had not intended to have spoken on the present occasion; but when he heard arguments against fixing a military establishment necessary for our security, founded on a supposed unwillingness in the house to grant revenue, he could not be silent. He believed the opinion entertained of that house with respect to revenue, could not be extended to the people. He was confident they were willing to afford a sufficient revenue for every necessary purpose of government; and he trusted that house would also be found to be so too. Indeed, he did not think there was ground for the disgraceful opinion which the gentleman from Pennsylvania (Mr. Gallatin) had formed, with respect to the reluctance of the house to grant revenue.

They had discussed the means of raising revenue, and seemed only to differ in opinion about the mode of doing it. The people who sent, them there, he said, were able and willing to pay whatever should be found to be necessary and he hoped the want of revenue, would not be urged as a reason for not doing what they were convinced it was necessary to do.

If this principle was adopted, he said, it might be extended to every measure brought forward this session. He hoped, therefore, it would not be countenanced. If the military establishment was necessary, our interest required it should be made sufficient, and it would be an injury to the Union, not to make it so. He trusted they should do it,

and he was not afraid that the money would not be found. He did not believe this country to be in a state of bankruptcy; but that it was equal and willing to pay every necessary expence of its government.

Mr. Dayton said, that if there was a single trait of candor in the remarks made by the gentleman from Virginia and applied to him, then he was ignorant of the real meaning of the word, and he knew not what language, and what conduct merited a different appellation. It was more than uncandid, it was cruel to upbraid him with not having done what he had an opportunity, consistently with the rules of the house, to have done. Every member, Mr. Dayton said, who had held a seat there only for a few hours, must know that being in the chair he had it not in his power to offer any propositions to the house to be referred to the *committee of the whole on the subject of further revenues*, as had been their regular course of proceeding. In committee of the whole, where alone he could make any motion, it would be recollected that no opening had been afforded him; for the first resolution reported by the committee of ways and means in favour of land tax was under discussion, and it would have been a violation of their rules of order to have offered any other as a substitute. It would be remembered also that the moment that proposition was decided, the committee of the whole rose and reported, thus postponing to a future day the consideration of any other resources. It was also possible, Mr. Dayton said, that if there had been an opportunity to present any system of his own, it might have been useless and unnecessary until that offered by the gentleman from South Carolina had been discussed and decided. Why, he asked should he be charged with silence or forbearance in such pointed terms by the gentleman from Virginia, when it was well known to every member, that they were enjoined upon him by the duties of his station, and the rules of decorum.

Mr. Rutherford said he paid great respect to the opinions of every gentleman in that house; but he must think for himself on the present occasion. Was this people, he asked, to be supported by a few regular troops? No: whilst the yeomanry, and the people in general, delighted in the government, they would always be ready to rise as one man in support of it. Let the people have peace and acquire property, said he, and they will defend themselves. The

late insurrection beyond the mountains had proved this ; and this would continue to be the case whilst they were well governed. What need was there then to rely upon regular troops ?

At a time when they were about to tax the people, it was necessary to reduce this article of expense.

Mr. Nicholas said, if he had been convinced the gentleman from New Jersey (Mr. Dayton) had not had an opportunity of bringing forward any proposition as a substitute for the direct tax, which he had opposed, he certainly should not have charged him with having failed to do it. But he thought it was possible for him to have done it ; if he was mistaken in point of form, he must stand corrected. He did not mean any thing uncandid with respect to that gentleman.

Mr. Swanwick did not conceive that the question of revenue had any thing to do in the present business. The question was, whether they should have four or two regiments of infantry. Not being a military man, he did not feel himself very competent to decide on the present question. Whatever disposition, however, might have been shewn on a former occasion, of an unwillingness to raise revenue, he trusted they should grant liberally and cheerfully what was necessary for the defence of our frontiers ; and when they came to be upon the subject of raising revenue, he trusted they should be impelled by the same necessity—the necessity of doing what they were convinced were right—to grant what appeared to be necessary. He thought there was no way of raising this revenue but by direct taxes, other gentlemen thought differently ; but raised, additional revenue must be ; for, if they made these grants, and there was not money in the treasury to pay the expense, they could only be carried into effect so far as the funds would go, and gentlemen would therefore take this consequence upon themselves when revenue came under consideration. The question now was, whether they should have four regiments or two ; he thought the latter number was too small. He had heard of the power of the militia ; but he did not know whether it was prudent to make frequent calls upon the militia, and by that means put the country to unnecessary expense. If it were not, it was proper there should be a permanent force to prevent the necessity of such calls.

Whenever the subject of taxation came up, Mr. Swanwick said, he trusted they should determine upon some per-

manent source of revenue; for if gentlemen adopted such as were not so, they would have to be responsible for the consequences.

Mr. Gallatin said, his colleague (Mr. Swanwick) had, in one respect, put the question on its true ground, though in another point he was mistaken, viz. where he said, that if the house voted for a certain number of men, and their funds should fall short, the money could be applied no farther than it would go, and their object would be defeated. On the contrary, Mr. Gallatin said, if they voted a greater number of men than the revenue was found equal to pay, the same thing would be done which had been done heretofore, anticipations would be obtained. But the question was upon its true ground when he said, that if they voted a number of men, they stood pledged to increase the revenue in order to meet the expense. He did not think the gentleman from New Jersey was correct in his remarks upon what he had said. Mr. Gallatin said, when he was up before he had observed, that there was a reluctance to raise additional revenue, there having been a bare majority in favour of direct taxes, and he believed there was as great a reluctance with respect to indirect taxes. They differed so much about the mode of raising revenue, that it would be difficult to raise revenue at all. The plan which that gentleman chose to call his plan, was founded upon a report of the secretary of the treasury, which had been made in pursuance of an order of that house, on the subject of direct taxation. It was true he was in favour of the plan, but it was not his.

Finally, if they voted for continuing the present military force, they pledged themselves to furnish additional revenue, and except they agreed to assist them in carrying into effect the plan which had been adopted, he believed no other would prove effectual.

Mr. Williams said, when he made the present motion, there was no information before the house. He wished, therefore, to have reduced the establishment to what it was in the year 1792, except he could hear some reason for making it greater. Previous to his motion, the gentleman from Massachusetts had not informed them what posts the committee had in contemplation to garrison. He confessed, the account he had since given seemed to shew that more than one regiment was necessary; but notwithstanding the observations of that gentleman, he was of opinion that the four regiments might be reduced to two, and the same num-

ber of men now employed might be put into those regiments, by which means all the force would be retained, and the expense lessened. He asked if the posts to be kept up required all the officers in the present establishment, and whether 2,500 men required so many men to command them? He believed not; and that a considerable saving would be made by putting all the men into two regiments.

When he made the motion, he said, it was principally with a view of getting information what number of troops was necessary, and where they were to be stationed. If, he said, there was supposed to be danger from our situation with respect to Europe, it was not necessary to increase troops which were intended to be employed only on the frontier; surely not: if danger was apprehended from that quarter, they ought to turn their eyes to the sea-coast, and increase our artillery and engineers. Those gentlemen who thought a navy necessary, might put to that object what was saved in the present. This, he said, would be much more prudent; since, standing on our own ground, we could defend ourselves against the whole world.

The question for reducing the four regiments of infantry to two was put and negatived, there being only 25 in favour of it.

The committee then rose and had leave to sit again.

Mr. W. Smith chairman of the Committee of ways and means, to whom were referred a resolution of the 10th instant on dutiable articles imported, made the following report.

The Committee of Ways and Means, having taken into consideration, the resolution of the House, of the tenth instant, and a letter of the Secretary of the Treasury, on the subject therein contained,

ARE OF OPINION—

THAT the only articles, on which it will be expedient to impose an additional impost duty, are the following, viz. *brown sugar, bohea tea, and cotton goods, not printed, stained or coloured*: They accordingly submit the following resolutions:

Resolved, That there be paid an additional duty of one half cent per pound on brown sugar, imported into the United States.

Resolved, That there be laid an additional duty of two cents per pound, on all bohea teas imported into the United States,

Resolved, That there be laid an additional duty of two and a half per cent. ad valorem, on all cotton goods, not printed, stained or coloured, imported into the United States.

TREASURY DEPARTMENT,

January 19th, 1797.

SIR,

I HAVE now the honor to communicate my opinion upon the subject referred to the committee of ways and means by the resolution of the house of representatives, of the 10th of January 1797.

If it shall be determined to increase the duties on importations, the following appear to be most safe and productive objects of revenue.

1st. SALT.

The existing duty is twelve cents upon each bushel of fifty-six pounds, and is much lower than what is imposed in many countries. There is no article of which the consumption is more uniform, nor of which an evasion of the duties would be more difficult: the natural value being inconsiderable, the importation requires and employs but little capital. Owing to the bulky nature of most of our articles of export, compared with those imported, and to the use of salt in lieu of ballast, it is introduced with a moderate charge for freight. All these circumstances render salt a fit object of revenue—as illicit importations are not to be apprehended the extent to which the duty is to be carried, can be best determined by the committee. One cent on each fifty-six pounds of salt, will produce nearly thirty thousand dollars.

It will, however, be proper to re-adjust the bounties on the exportation of salted fish and provisions, and the allowances to vessels employed in the cod fisheries, to any augmentation of the duties on this article.

2d. BROWN SUGAR.

The duties on sugars will hereafter require revision; the rates, now imposed are as follow: on brown sugar one and one half cent per pound; clayed sugar, three and one half cents; lump sugar and refined, other than loaf sugar, six and one half cents; loaf refined sugar, nine cents. The duties are already so high, that most of the sugars, other

than brown, which are imported, are also exported; the revenue is not therefore benefited by the importations. On the contrary, the public are exposed to the risk of collection, and responsible for the drawback. Illicit importations cannot be easily practised in respect to so bulky an article as sugar, and it is not likely that they have been practised, except in a small degree with respect to loaf refined sugar, the duty on which appears to be more than necessary to protect the business of domestic refiners.

To induce the consumption of any considerable quantities of clayed sugars, a reduction of the duty is necessary: and it is probable that some reduction would be favourable to the interest of the refiners; on this point, my information is however too imperfect to justify a positive opinion.

The present duty on *brown* sugar is less, in proportion to the value of the article, than that on most other West India productions. The average importations of brown sugar into the United States, during the years 1790, 1791 and 1792, were about twenty-two millions of pounds weight, which, therefore, may be considered as the quantity usually consumed in this country in each year. Since 1792, the quantities imported have been increasing. In the term of a year, prior to October 1st. 1795, the quantity imported exceeded sixty millions of pounds weight. During the greater part of the year 1796, sugar and coffee were the most beneficial, and in point of value, equal to any articles exported from the United States; considering the great quantities of these articles which have been imported, exceeding what were required for domestic consumption, their prices must have been determined by the state of foreign demand. These prices cannot therefore be stationary, and their vibrations have a tendency to embarrass commerce. These circumstances, and the risk to which the revenue is exposed on the importation, and also on the exportation of these articles, strongly admonish against excessive duties, and even dissuade from the imposition of such a duty, as under other circumstances might be safe and proper; nevertheless, an additional duty of one half cent per pound, on brown sugar, appears to be as eligible as any which can be suggested.

3d. TEAS.

The duties are at present as follow:—On bohea tea ten cents per pound; on fouchong and other black teas eighteen cents; on hyson, imperial, gunpowder, or Gomez tea, forty cents; and on other green teas, twenty-four cents. It has

been stated, as the opinion of the treasury, that the revenue would be probably benefited by a reduction of the higher and an increase of the lower rates of duty. An addition of two cents per pound, to the duty on bohea tea may be expected to produce twenty-five, or thirty thousand dollars.

4th. COTTON MANUFACTURES *not printed, stained or coloured,*

These are in very general use, and are commonly imported in valuable vessels, and by established merchants; they are for the most part bulky in proportion to their value, and with velvets and velverets, are subject only to the duty of ten per centum ad valorem. It may possibly be safe to place these articles in the class of merchandize, subject to the duty of twelve and a half per centum ad valorem; but in this case, it is conceived, that adequate provision ought to be made for the protection of the business of printing cotton goods, which has been commenced in this country.

A variety of modifications of the existing duties might be proposed, but as their principal object would be the improvement of the system of collection, by means of a new classification of the articles, without intending thereby to produce any considerable augmentation of the revenue, they are at this time omitted. Materials for a report on this subject, are preparing, but it cannot be completed during the present session.

With respect to a general augmentation of the duties on imports, I conceive it to be my duty to observe, that the average rate already imposed, exceeds sixteen per centum ad valorem; that the last advance of the duties was made at a time when the commerce of the United States was far from being in a natural state; that the temptations to illicit trade will increase in proportion to any reduction of the general rate of mercantile profit; and that a considerable reduction of this general rate, is to be expected whenever the present war in Europe shall terminate. On these grounds, I conclude, that present experience affords no certain data for an opinion respecting the permanent operation of the existing duties.

The domestic manufactures best established, are those of leather, iron, flax, potters' wares, including bricks, ardent spirits, malt liquors, cyder, paper of all kinds, hats, stuff

and silk shoes, refined sugars, spermaceti and tallow candles, copper, brass and tin wares, carriages, cabinet wares, snuff, gun powder, and salt.

*I have the honour to be,
With perfect respect,*

Sir,

Your most obedient servant,
OLIVER WOLCOTT, jun.
Secretary of the Treasury.

The Honourable

WILLIAM SMITH, Esquire,
Chairman of the Committee of
Ways and Means.

Ordered to be committed to a committee of the whole house on Monday next.

Adjourned

Tuesday, January 24.

The bill for enforcing the laws of the United States in the state of Tennessee, was read the third time and passed.

Mr. Dwight Foster, from the committee of claims, made a report on the petitions of John Curley, Joseph Biggs, Elijah Hedges and William Smith, which were against the petitioners, were twice read and concurred in by the house.

Mr. Foster also made a report on the petition of Edward St. Loe Livermore, which was in favour of the petitioner. It was twice read, and ordered to be committed to a committee of the whole house to morrow.

Mr. R. Sprigg, jun. moved that the resolution which he laid on the table some days ago, relative to the act for regulating grants of lands for military services, &c. be referred to the committee to whom was referred a former resolution relative to the sale of lands north west of the river Ohio. It was referred.

Mr. Page presented a petition of John Nelson, major-commandant of a corps of cavalry in the Virginia line, on the state-establishment during the war, praying for a grant of land north west of the Ohio, in lieu of those which he had obtained for his services during the war, and which had been ceded to the Chickasaw nation of Indians by a late treaty. Referred to the committee of claims.

Mr. Malbone presented a petition from the inspectors and gaugers, and another from the weighers and measurers of the port of Providence, Rhode Island, for compensation in addition to their salaries. Referred to the committee of the whole, to whom is committed the bill relative to compensation of officers employed in the collection of duties on imposts and tonnage.

Mr. Sitgreaves presented a petition from Oliver Pollock, praying that the sum of 4740 dollars, which the committee of claims had reported to be due to him, might be paid to him during the present session, expressing at the same time a hope that he should be allowed the liberty of substantiating his other claims on a future day. Referred to the committee of the whole to whom was referred a report upon a former petition of Mr. Pollock.

Mr. Henderson offered a resolution to the following purpose, viz. " that the secretary of the treasury, be directed to lay before the house, a list of the number of subscribing creditors to the United States, upon the books of the loan officers, in each respective state in the union, where loan officers have been established.

Mr. Henderson observed, that the reasons why he offered this resolution, were, that applications had of late been made, by several of the commissioners of loans of the United States, for an increase of salary, and he thought it was proper before a decision took place upon those applications, that the house should be possessed of the best information relative to the duties of the officers that could be obtained. He was of opinion, that when the salaries of the commissioners of loans were first established, Congress could have had no other rule by which to apportion them, than the size, and population of the states, or the sums expected to be loaned therein. He thought it could easily be made appear, that neither of these principles would produce an equitable proportionment of the salaries; the commissioners in the larger states, would have much the highest salaries, when it is very probable, they might have the least share of business to transact, and on the other hand, the commissioners of the smaller states, would have the least salary, with perhaps the greatest proportion of duty. Ordered to lie on the table.

The house again resolved itself into a committee of the whole on the report of the committee appointed to enquire whether any and what amendments may be necessary to the

act to ascertain and fix the military establishment of the United States, Mr. Muhlenberg in the chair, when

Mr. S. Smith proposed an alteration in the introduction of the report, merely as to form, so as to make it have the proper phraseology of a resolution, which was agreed to. And being read,

Mr. Coit said, he rose only for the purpose of enquiry. He was satisfied there was no occasion for a Major General; nor did he know that there was any necessity for a Brigadier General. He wished to be informed on that subject.

Mr. Varnum did not see the necessity of a Brigadier general. As the army would be dispersed along the frontier in small detachments he did not see the use of an officer of that grade.

Mr. Dearborn said this subject had undergone discussion last winter. It was then urged not only that a brigadier general was necessary, but also a major general, and was ultimately so carried. It appeared to him indeed, that at least one general officer was necessary; and he should suppose for the same reason which his colleague had urged against the measure, viz. the dispersedness of the situation of the troops; for, when their divided situation was considered; and that in time of peace, there was less reason to expect a strict attention to discipline and economy, there would scarcely be a possibility of keeping them in order, without an officer of respectable rank, who would have it in his power to overlook the whole, to know the state of each garrison, and to make strict returns with respect to military regulations; and, without such a provision every thing relative to the army would get into disorder. Instead of this officer being an expence to the United States, he believed he would in the end prove a great saving to them, by taking care that no abuses existed in the service. It was said that the majors could do the duty as well as a general officer; but was it not reasonable and natural to expect bickerings amongst officers of the same grade; and that there would not be the same promptness in obeying the orders of one of this rank, as there would be in obeying the commands of a superior officer? Persons acquainted with military affairs knew the necessity there was for subordination in an army. He thought it not necessary to say much on the subject; but he thought the well being of the troops required that a brigadier general should be retained in the service.

Mr. Hartley said, he was one of those who were in favour of retaining the major general last session; but from a principle of economy, the select committee had recommended a repeal of that part of the act which related to the major general and his staff; by which means several thousand dollars would be saved; but, after they had dismissed the major general, he was surprised to hear it proposed that the brigadier should be struck out also. He had wished the major general to have been retained; since, if there should be occasion to call out the militia at any time, a major general of militia would not be subject to the command of a brigadier general of the army, and except some provision was made in the militia bill, this circumstance would occasion disorder, if ever such a situation should happen. He hoped, therefore, for the reasons given by the gentleman from Massachusetts (Mr. Dearborn) a brigadier's staff would be retained.

Mr. Dayton (the Speaker.) That as they had dispensed with the officer of a Major General, as no longer necessary, it appeared to him adviseable to agree to this part of the report of the committee which recommended the retaining of a Brigadier General in service. In addition to the reasons which had been urged by the members of that committee, and by other gentlemen who had preceeded him, there were two which had not, he believed, been mentioned and which might be thought to deserve consideration. If a Brigadier General should not be provided for, the command of the army would of course devolve upon one of the Lieutenant Colonels commanding regiments. Such an event, would rather tend to excite jealousy than to promote harmony throughout the different corps. The attachment of an officer for his own regiment was natural, and could not be suppressed or concealed even when his seniority of rank entitled him to exercise a more enlarged command. If in such a situation he should be more prudent and cautious than men so circumstanced usually are, he could not however escape the suspicion and charge of his favouring *his own* to the disadvantage and injury of *the other* regiments. Those who might think themselves thus aggrieved would make a common cause of their complaints against their temporary commander, and the army would be embroiled. A commander it was known, must necessarily have considerable latitude of discretion allowed to him, and no little share of patronage. He would generally direct what officers should be stationed at particu-

lar posts in higher or inferior commands. He could give preference to one corps over another by ordering the distribution of cloathing or pay especially where a difference in quality or deficiency in quantity and sum, made it impossible for all to be equally served. In an officer, attached to no corps exclusively, such things could be seen and borne with much less dissatisfaction and murmuring than in one who had a more intimate connection and interest with a particular part. But that was not all, for in the paying of the army the agency of a Brigadier General attached to no corps was essentially necessary. The regimental pay abstracts were founded upon the company pay rolls, and were required to be signed by the commanding officers of the regiments. The commander in chief, after having compared and checked those abstracts with the muster rolls and official returns, was to issue an order for the payment of the money.

It would be truly absurd to have the same officer in quality of commander in chief checking and passing upon his own returns for pay as colonel of a regiment. There would neither be economy nor security in the expenditures of public monies under such arrangements.

Mr. Baldwin said, he recollected when this subject was under consideration, some member said it was indisputably necessary that the army should have a brigadier general; it did not then appear so to him. Since the war was over, and even suppose it continued, he thought it being entirely an interior one, they might do away the form which had been of regiments, and convert the whole force into a legionary form, and by degrees an army form also; and let the form be a detachment of companies strung along the frontier. He thought there could be no advantage by even an army form; for the vast extent of 2000 miles frontier country to guard with few men as possible, would render this distribution necessary. The force, he said, were twenty-six companies, and he supposed there were no more than twenty-six posts to occupy them; these would be distributed from the southern frontier to the lakes, and some on the sea coasts; then, while they remained so extensive, what use could there be of a brigadier general? Where could he so well correspond from and conduct affairs as the seat of government? And here Mr. Baldwin thought he would be almost useless. Here we have the war department, the commissary of stores, and the accountant general, each of which, if clothed with military commissions, could effect

any business that officer would have to do, and he did not see the necessity of a brigadier general having the settlement of the business mentioned by the gentleman from Massachusetts (Mr. Dearborn) as his being clothed with a military commission, would not make him more fit to take cognizance of what related to the troops, than the above stationed officers; nor did he see how he could visit the different posts in the manner proposed by that gentleman. If a part of these troops were distributed on the lakes, and another part on the southern frontier, he could not tell where the brigadier general could have his office. It could not be at any of the posts, and therefore he supposed it must be at the seat of government.

Mr. S. Smith said he was on the committee of conference last session with the senate, on the subject of the major general. It was the opinion of the house of representatives, that there should be a brigadier only, because the number of troops, being four regiments of infantry, was a brigadier's command. It was urged, on the part of the senate, that the major general was necessary for the purpose of taking possession of the posts, and it was therefore finally agreed that he should be retained until March next. At that time it was undetermined whether the brigadier or major general should go out of the service at that time. The gentleman from Pennsylvania (Mr. Hartley) thought it necessary to keep up the major general, because, if called out with the militia, he would have the superior command of a major general of militia; but to strike out both the major general and brigadier general, would be to leave the army without a head, and so far from such a measure being a measure of economy, it would prove destructive of economy. There was great saving, he said, by an officer commanding the whole; if it were otherwise, the army would be disjointed.

If the gentleman from Connecticut, who made the motion, had been a military man, this motion, he thought, would not have been made; as a military man, Mr. Smith declared, that such a measure would be attended with the most ruinous consequences.

Mr. Coit said he made no motion, but merely enquired for information.

Mr. Hartley said the gentleman did not know the consequence of such a regulation; he did not know who would have the command. The present brigadier general, he said,

was a man of abilities and respectability, and it would be economy to keep him in the service.

The question for repealing that part of the act which relates to the major general and his staff, was put and carried.

Ayes 43

Noes 32

The two next resolutions were put and agreed to, and that for adding eight privates to each company being under consideration,

Mr. Williams thought it would be an improper article at a time there was a proposition for lessening the number. This, he said, would augment it 256 men. Each company now, he said, was composed of 52 privates, 4 corporals, 4 sergeants, and 2 officers, which made 62: as he saw no need to make a larger augmentation, he thought this proposal wrong, and therefore hoped it would not be agreed to.

Mr. S. Smith said this was a question discussed in the select committee. It was argued that if these men were added to the 52, the complement of which each company is composed, they would be enough to answer all casualties by death, desertion, &c. so as always to keep up the full number. The expense of pay, cloathing, &c. he had estimated at 38,000 dollars. The saving by striking off the cavalry was 52,000 dollars, certain expenses of waggons, &c. not included in this estimate, tents and camp equipage would be 60,000 dollars. The addition of these 3 men to a company would give 256 men, in place of 104, at much less price. These would give an additional strength at less expense than the horse. Yesterday, he said, he stated, that the expense of two companies of horse was equal to a regiment of infantry, by which he meant the privates of a regiment, viz. 416 men: if he was understood differently, he wished this to be taken as a correction.

Mr. Hartley said there was some difficulty with respect to this clause of the report. Some gentlemen thought the number of men sufficient already. He was of a different opinion; and as the horse were struck out, he thought the additional men necessary. He believed, without this addition, there would not be a sufficiency of troops to garrison the posts, and he had founded his opinion upon information from good authority. He should therefore vote in favour of the report.

Mr. Dearborn said the committee was not unanimous upon this clause of the report. He believed it unnecessary

that these men should be added, and that the four regiments of artillery were fully equal to all the objects for which they were wanted: he would sooner vote for the reduction of a regiment than for this addition. He had endeavoured to satisfy himself of the number of garrisons necessary to be kept up, and the men required for each. As to the casualties which it was said always happened amongst men, they could not be avoided; nor was it necessary to calculate within four or five men for a post; as for instance, if 50 men were thought to be necessary for a post, if four or five died out of that number, it could not be supposed that those who remained would not be able to defend it. He should therefore be opposed to the resolution.

The question was put on the resolution for adding eight men to a company, and negatived without a division.

The next resolution advancing the pay of the officers, was agreed to without any opposition.

On the last resolution for allowing majors four rations per day,

Mr. S. Smith said, that the subsistence of the majors had, by mistake, been omitted in the act passed last session, and they had therefore introduced it here. Agreed.

It was moved that the committee rise, when

Mr. Holland said, before the committee rose he wished to add an amendment in the first section, after the word "repealed," "and that the four regiments of infantry be reduced to three." It was desirable, he said, to reduce the establishment as much as possible. The committee had determined not to reduce the infantry from four to two regiments; but though they did not think it right to make so great a deduction, he trusted they would agree to reduce them from four to three.

The question was put and negatived.

Ayes 37

Noes 38

The committee then rose and reported the resolutions, and the house took them up, when

Mr. Gallatin proposed to amend the report by introducing the amendment just negatived in the committee of the whole; viz. for reducing the infantry from four to three regiments; and desired the Yeas and Nays to be taken upon it. The Yeas and Nays were agreed to be taken.

Mr. Hartley said, they were some how or other in the habit of *disorganizing*. Last year, he said, the whole com-

plexion of our military establishment was changed, and now it was to undergo another change. Last year the men and officers were appointed to each other; he hoped they should not become habitual disorganizers by adopting the present motion.

Mr. Buck hoped it could not be said that he was a favourer of *disorganization*; but he did not see at present any necessity for keeping up the whole of the military establishment. Could the number of garrisons and of troops necessary for them be ascertained, he would cheerfully vote for the number wanted; but until that information was before them, being in time of peace, and not wishing to keep up more troops than were necessary, he should vote for the proposed reduction.

Mr. Claiborne was of the opinion with the gentleman from Pennsylvania (Mr. Hartley) that they were about to reduce *disorganization* to a system; and unless they economized a little better, the whole government would be *disorganized*. He was for economizing in order to prevent that *disorganization*. He hoped, therefore, the amendment would prevail.

Mr. W. Lyman said, if this were a time of profound peace, perhaps this question would carry a different aspect; but this country could not be said to be in a state of profound peace; for, though we were not in hostility, there were several nations in hostility to us. Was this then, he asked, a time for reducing the military establishment? He thought not. It was very uncertain whether we should continue in a state of peace or not. Under this impression, and aided by the information which the select committee had given, he believed it was necessary to retain the whole of the establishment. The committee had stated the posts and the number of men required, and gave it as their opinion that the whole four regiments would be required. He was satisfied, and he believed the committee had retrenched the expense of the establishment as much as possible.

If it were profound peace (as he had already said) and there were no distant expectations of hostility from any quarter, he would agree to the amendment proposed. But, in the present state of things, he should vote for retaining the four regiments; as he believed it would prove a misfortune to the country, if the regiment proposed was done away.

Mr. Williams said, if they were for a moment to suppose, for the sake of argument, that there was danger of a war

from European nations, he would enquire how they should guard against it? Would it be by garrisoning the frontier? No, he believed not; and therefore, from the arguments of the gentleman himself, he ought to reduce the number of infantry and increase that of the artillery. This, Mr. Williams said, was his intention, when he proposed to reduce the four regiments to two; for, if there was any danger it was on the sea-coast; therefore, to reduce the infantry and increase the artillery would be real economy.

Mr. Page said, if he had thought the amendment really economical, he might have voted for it; but as he believed it was quite the reverse, as the reduction of troops at the time that the number of posts were increased, and some posts were to be advanced far beyond any hitherto occupied, and out of the reach of reinforcements or succour, must necessarily endanger the loss of some posts, which would, without counting the loss of men, be found, in loss of stores, ammunition and arms, an expensive circumstance. It had been said that the Indians could not take a fortified post however weakly garrisoned; but this was a great mistake, for they took from the British in one day, under their leader *Pontiac*, immediately after the war between Great Britain and France, every post they held except Detroit and Fort-Pitt. As to the state of peace we were in, said Mr. Page, although he believed the Indians might at present recollect the circumstances which induced them to make peace with the United States, he said he did not rely on its continuance, so as to think it politic or economical to reduce the number of our troops, and to expose the remainder in distant posts, out of the reach of relief. Indeed, said he, I think it cruel to expose a small garrison in some of the intended posts, as the savages would attack them whenever caprice or avarice should prompt them: From motives of economy, said he, I opposed the first motions for raising an army and holding posts on our frontiers, and then observed, that if we raised one regiment, we should soon be called on for another, and that if we began to establish posts, there would be no end to establishments; but having now established certain posts, he said he believed it would be politic and economical to take care of them and their garrisons.

Mr. Isaac Smith said, it did not appear that any garrison held last year had been abandoned this, and it was well known they had now a number of fresh garrisons on the southern

frontier, he, therefore, could see no propriety in reducing the four regiments to three.

Mr. Rutherford said no one respected military characters more than him; but he thought nevertheless it would be a valuable thing to reduce the infantry from four to three regiments, which would make them more complete. It was his sincere wish that every private should be well accommodated and well paid. He surely wished that, and he could say that he wept after the hearse of any brave man who fell in the defence of his country, and would mingle tears with his relatives and friends. He knew we had many brave military characters. This he rejoiced in. And it would be remembered that it would be an easy matter to increase the troops, if it were at any time necessary, perhaps more easy than to reduce them; he was, therefore, for making the proposed reduction. In this case, he said, the best troops would be retained; and if any emergency should at any time arise, the brave yeomanry would come forward in aid of the military corps; and therefore, at this time, when our revenue was embarrassed, if the four regiments could be reduced to three, it would be a valuable purpose done for the people whom they served, it would but be their duty.

Mr. Swanwick said, some gentlemen had, on this occasion, spoken of the danger of war; but if there was any danger of this kind, our infantry would not serve us; and yet whilst gentlemen were ready to increase this department of our force, they were willing to do away the frigates. The gentleman from New York (Mr. Williams) indeed, very different from his usual conduct, had said, that he would carry the amount of the retrenchments in the army to the navy. On this occasion, he said, he joined in opinion with that gentleman; he thought they had already spent too much on land, and too little at sea; and therefore, in hopes that that gentleman and others would vote with him for the frigates, when they should come under view, and because he thought it would answer them a much better purpose to have a number of sailors than so many troops, he should vote for the amendment.

Mr. S. Smith hoped this motion would not obtain. The question had already been tried in committee of the whole, to reduce the infantry to two or three regiments, and both had failed; he trusted they would again fail. When the select committee had estimated that the four regiments would be necessary, and that the surplus would only be four com-

panies, which it would be right to place in a proper situation to serve a *corps de reserve* which might be applied to in case of attack, he thought these attempts to reduce the number was extraordinary. He did not know whether it was the intention of gentlemen to strike out the officers of a regiment only; if this was their meaning, the saving would be very trifling indeed. He was apprehensive this idea of economy would carry them too far; for his part he was not for the name of economy, when he was convinced it would not produce the effect. He found men, heretofore liberal in granting money, since direct taxes had been under discussion, were become very sparing. He was afraid, however, their fear of direct taxes would carry them too far.

Mr. Sitgreaves said, if he had discovered any difference of opinion among military gentlemen on this subject, if he had heard that any of the posts which had been proposed to be garrisoned were unnecessary; or that the contemplated number of men for each, was too great, he should have been at a loss how to have voted; but, when he had only heard, in support of the amendment, that our finances needed economy, he felt no embarrassment in giving it his direct negative. If the principle upon which the amendment was supported was true, it should be carried farther; if we were in profound peace, and economy were to be pursued, why not disband the whole establishment. For, if they admitted an army of any kind, to be necessary, they would certainly admit that it ought to be sufficiently large for the purposes for which it was wanted. They had, he said, appointed a committee on the subject, who had informed them of the garrisons necessary, and of the troops proper to be placed in them, by which it appeared that the whole four regiments would be wanted; and therefore he believed there would be no propriety in reducing the number on the ground of economy.

For his own part, Mr. Sitgreaves said, he did not pretend to be a judge of military affairs; but he thought when our posts were increased, the military for garrisoning them ought not to be decreased. A state of peace with the Indians, he believed, did not do away the necessity of a military establishment, because he believed that peace was only to be continued by the terror inspired by the garrisons.

He would take this opportunity of remarking upon what had fallen from his colleague (Mr. Gallatin) who had said that he thought the four regiments necessary, but that on

account of the unwillingness of the house to grant revenue, he would wish to reduce them. Mr. Sitgreaves said, he believed the circumstances of this country to be such as were fully equal to all the expenses of government; he believed the people were both able and willing to pay those expenses. Indeed, if there could be any reliance upon the decision of that house, there could be no doubt of revenue being found. If there was any unwillingness there, however, to find revenue, he believed there was none out of doors. There might, indeed, be objections to the mode of raising revenue; but he believed the people were ready to give what was necessary.

Mr. Sitgreaves said, that when gentlemen agreed that the four regiments were necessary, it was their duty to vote for them, and to provide the means for paying them: it was not right to say, "we agree the men are wanted, but there will be found a difficulty in paying them, and therefore we will withhold our vote;" they ought to vote for the men, and afterwards provide the money. Such was his opinion, and he believed it to be the opinion of the people in general; he should, therefore, vote for retaining the present number of infantry.

Mr. Preston hoped this motion would not prevail. He voted yesterday for doing away the cavalry; but he had no idea of reducing the infantry, as he believed the present establishment necessary for the protection of the frontiers. It was true we were at peace, but it was also true that it was with a faithless people, who, when their dispositions or wants urged them to it, would violate the peace, and destroy the frontier inhabitants.

He said he had not been a little surprized, that the gentlemen from New York and Pennsylvania (Mr. Williams and Mr. Gallatin) who lived on the frontiers, and were consequently subject to the incursions of the Indians, should have advocated the reduction of the present establishment. The gentleman from New York had said he lived within thirty miles of them, but that he depended upon the yeomanry for support, and was not afraid. There was magnanimity in this declaration; but suppose these Indians were to come out upon him with hostile intentions, he perhaps might call for assistance when it was too late, and when the defenceless inhabitants of the frontier had met destruction.

Mr. Preston said he could not help being surprized at the reason given for the proposed reduction of the present number of infantry, viz. to retrench the public expenses. He

should be glad to meet gentlemen on the ground of a retrenchment of the public expenses; he loved economy; but he hated that little, contracted economy, which saved *pence* at the expense of *pounds*.

He hoped they should not be afraid of doing their duty, because there was a degree of unpopularity attached to all taxes; but if they would fix a permanent source of revenue, they must not go to *cents* and *half cents* on sugar or *five-penny-bits* on salt, but to a land tax, the only object upon which they could look with certainty for supplies.

He should not however do as the gentleman from Pennsylvania and one of his colleagues (Mr. Gallatin and Mr. Nicholas) had done, because there was a reluctance in the house to vote for revenue, decline from voting for the present establishment. He would do what he conceived to be his duty, and let others do what they pleased. He would therefore vote for the present establishment, trusting that no gentleman, convinced of the necessity of the military establishment, and that further revenue was necessary to support that and the other expenses of government, would withhold his assent to some effectual system for raising it; and that if it were found indirect taxes would not answer the purpose, direct taxes would be resorted to. Take what mode of taxation they might, difficulties would present themselves. These were unavoidable; but because difficulties occurred, he trusted they should not shrink from the business: to do that would be to shew an imbecility of conduct, which he trusted that house would never shew.

Our constituents, said he, know as well as we do, that government is necessary, or we should not be here; they know expense must be incurred, that that expense must be raised by taxes, and be collected from themselves. Shall we then, exclaimed he, be afraid to meet them, from having done our duty? All we shall have to do, added he, will be to shew the justice of the demand, and he ventured to say, their constituents would have patriotism enough cheerfully to pay it.

It was a fact, he acknowledged it was a melancholy one, that there was necessity, from the present uncertain state of our commerce, of fixing upon some permanent revenue, which should be equal to the purposes of peace or of war. It was proper to guard against all possible circumstances, since we could not always expect to be free from the calamities to which all other nations were subject. Indeed, a

day did not pass but they heard from the newspapers, of depredations being committed upon our commerce, not only by the British but by the French and Spaniards; and it was not to be supposed, that our merchants would continue their commerce, notwithstanding their mad thirst of gain, under such risks. It was necessary, therefore, to find a substitute for at least a part of the revenue which had heretofore been drawn from that source, or they should not be able even to pay the four regiments of infantry they were then about to agree to keep up. He should, however, consent to do this, and trust in the house to provide revenue when that subject should come before them.

Mr. Thatcher did not see what the present question had to do with revenue. The question was not how many troops the United States could support in time of war, but how many were necessary in the present state of things. As far as this subject was connected with *fighting*, he knew but little about it, nor did he ever wish to know more than he did. But it was a singular circumstance, he said, that ever since 1791, till the late peace, there had been war on a frontier of 500 miles extent, during which time the English had had possession of the posts on that frontier, and this war had been supported, and the Indians brought to a peace, by nearly the same number of troops which were now in pay. The reduction since that time had been very small. It was now a time of peace, not even the least suggestion had been offered that any rupture with the Indians was like to take place, yet gentlemen seemed unwilling to reduce the establishment. During the war, the English had possession of forts within our territory, which they had now given up, and we had taken possession of them, and it could not be considered other than extraordinary, that we should have occasion for nearly the same troops now as during that war. Some of the posts which we had obtained being garrisoned, would do away the necessity of garrisoning others. He therefore supposed there would not be occasion to have troops in all the posts which had been mentioned.

But gentlemen had hinted there was danger of war from another quarter; but, if they supposed France or England intended to wage hostilities against us, it was idle to talk of one regiment of infantry, they should have twenty regiments. This was, therefore, not the ground of the present question. All that was necessary to be considered was, what number of troops was necessary to garrison the frontier posts; and be-

lieving as he did, that three regiments would be sufficient, he should vote for the amendment.

Mr. S. Smith said, if it were really a fact that as many men were in pay now as were in service during the Indian war, he would agree with the gentleman from Massachusetts that the number was too large. [Mr. Thatcher denied having said the number was equal, but that there had been little reduction.] Mr. Smith said, the number of men then in the service was 5,000, but at present the number contemplated was 3,000. The regulations made last year, contemplated the taking in all those who were in service on the 1st of July last, and gentlemen would recollect that the artillery had been raised, in consequence of an apprehension of war from Great Britain, and were meant for the service of the sea-coast; there were, therefore, only 2000 for the service of the frontier.

The gentleman had said some of the posts would be unnecessary, but had not said which. He had been told that a cordon of posts had been so formed as to prevent supplies being conveyed to the Indians from which cordon the inner posts were excluded. In doing this, they had contemplated the security of the trade to be carried on by the United States on the frontier. If the United States were not able to keep up 1500 men, they were in a bad situation indeed; that such an opinion should be entertained in that house their constituents would not believe, nor did he believe they would thank them for such economy. It was no economy. The last year they had declared what the establishment should be, and now they were proposing to undo what they had then done, by which means they should throw a number of deserving men upon the world, without perhaps the means of subsistence. Was this the way, he asked, in which meritorious soldiers were served in other countries? No; they had half pay given them, and this, he said, ought to be the case every where, and not that, after fighting our battles, and perhaps receiving wounds in the service which incapacitated them from labour, they should be thrown upon the country desolate. Mr. S. hoped that they should shew that there was some degree of fixedness in their conduct; the business was well settled last session; they had only four small regiments to support, and he trusted they should support them, as he believed them necessary.

Mr. Harrison said, that if the chairman of the committee had informed them of the number of posts to be occupied,

and the men required for garrisoning them, and had shewn that the whole four regiments were wanted, he would have voted for them; but not having done this, he should vote for the proposed reduction. That gentleman himself, Mr. H. said, had shewn that three regiments would be sufficient; for he had said a certain portion of these men should be kept as a *corps de reserve*. Where, he asked, would he keep them in reserve? He believed the cordon of posts would be too distant for any supplies to reach them in time, in case of an attack from the Indians.

Gentlemen blamed the present economy, and condemned the proposed system of direct taxes; but who, he asked, had created the necessity for one and the other? Not those who advocated either; but those who opposed them. And now when they were called upon to provide revenue for defraying the increased expences of government, and to discharge a part of the public debt, they shrink from the task.

Where, said Mr. H. is this regiment to be placed? It was not to be in garrison, and he did not know where else it could be to any purpose; so that they were about to fix a taxation to grind their constituents for no purpose. Who were the best judges of the wants of the frontiers? Those who lived on them surely; and they had said there was no necessity for so large a body of men. To keep them, would, therefore, be a lavish use of public money; but if the money instead of being so applied, were appropriated towards the reduction of the public debt, every citizen in the union would be satisfied. This consideration, and the gentleman's own shewing, induced him to vote for the proposed reduction.

Mr. Holland said, if the committee had stated to them the number of posts, and the men necessary to be placed in them, they might have formed a judgment whether the four regiments would be wanted or not; but without that information they were under the necessity of acting in the dark. The gentleman from Maryland asked if the United States were not able to keep up the troops in question? One thing, he knew, that the United States had been able to keep up their expences equal to all the revenue which could be collected. But that gentleman seemed to be much affected with the situation of the officers, if the amendment should prevail, which would be thrown out of service. He did not know that they were under any tie to keep them longer than wanted, and he doubted not that officers would always be found when wanted; the

compensation, he believed, was fully equal to the service, and that it was a matter of favour to obtain such situations.

A gentleman from Pennsylvania, (Mr. Sitgreaves) had said the military gentlemen were all in favour of retaining the four regiments. He was at a loss to know how that gentleman came at his knowledge on that subject. It was his opinion the army system was a bad one, and that it should be reduced as much as possible.

He believed they were likely to have peace on the frontiers. The Indians, he said, would not commit depredations near a post, but at a distance; because they knew, if they attempted a post, they would bring the force of the United States upon them, which would involve them in war. It was well known the Indians were more afraid of the militia than of regulars, and that therefore the former was the best defence against them. Not having any information, he should vote in favour of the amendment.

Mr. Cooper said it might be of use to gentlemen, to be informed of the number of men which the British had kept in their several posts on the frontiers. He said he had obtained the number. He then mentioned what were in the different posts. The total number was 1245 men.

Mr. Williams said, our troops were reduced last year to 3000 men; now it appeared from what had fallen from a gentleman on the committee, their number was 2,500 men. These would be sufficient for three regiments; therefore the same number of men would be kept up as if the four regiments were retained. With respect to the number of officers. We had, he, said, 32 companies of infantry, and 16 companies of artillery and engineers; if the reduction proposed were agreed to, there would be left 130 officers. If these were not sufficient for the garrisons, he did not know any thing of the business. But the gentleman from Maryland said, the saving would not be so much as had been said. How he estimated he could not tell; but he believed that by putting the same number of men in three regiments which were now in four, would be a considerable saving.

With respect to the frontier, he said we had no defence in New-Hampshire, Massachusetts, or Vermont, nor at New-York, except at Oswego, Niagara, and Detroit. This, he said was a distance of between 5 and 600 miles. Nor did he think they were necessary, though there were several tribes of Indians in that quarter. Nor did he think a small post any defence against Indians; if they were to prove troublesome, the militia was the best defence.

He did not see the use of keeping officers, when we had no occasion for them. Let us, said he, do equal justice. If they were not wanted, he had no objection to giving them a gratuity, but he had an objection to keeping them in pay, when the service did not require them. He hoped, the amendment would be agreed to.

Mr. Gallatin said he would not have brought the question once more before the House, had he thought the reduction of expence a trifling one; if he had not thought that the military establishment was the most expensive---he had almost said---the most extravagant establishment in the Government. Yet, he said, they were told they had no right to think upon the subject, because military men told us they were wanted.

Mr. G. said if he understood the gentleman of the committee, it was a mere matter of opinion as to the number of men to be kept up: and if it was a matter of opinion, it was not strictly necessary, because if necessary it was no longer a matter of opinion.

As to the reduction which had heretofore taken place, notwithstanding what had fallen from the gentleman from Maryland, (Mr. S. Smith) the gentleman from Massachusetts (Mr. Thatcher) was pretty nearly right. If his memory was right, when the subject was last under discussion, the number of men in actual service was 3,500, though the nominal establishment was 6,000. It was then concluded that all the men which remained on the 1st of July should be retained in the new establishment, which, as the time of about 400 would then expire, left 3,100 effective men, or thereabouts. So that the reduction was more nominal, than real.

Mr. G. wished to know if any reason could be given why we should have more troops now, than before the Indian war? He meant exclusively of the artillery and engineers which were meant for the sea-coast.

He then mentioned some posts where he thought there would be no necessity for garrisons: It was well understood, he said, that the possession of the posts lately held by the British, would curb the Indians. He hoped they should have some benefit from the British treaty, and if there was any one, it was to be secure, so far as related to the posts occupied by the British, without being obliged to keep up so large a number of troops as before.

As to the idea suggested by the gentleman from Virginia (Mr. Preston) that the present was a saving of pence, to prove it was something more, he would call the attention of the

House to the expence of the different years from 1791, to 1795. The years 1790 and 1791, he said, we were in much the same situation as now. There was actual hostility at the time, but it was not so serious as afterwards. In 1790, he found the expence was 291,000 dollars; in 1791, 520,000; in 1792, which was the year in which General Sinclair was defeated, 974,000; in 1793, 1,120,000; in 1794 and 1795, after deducting the expence of the western insurrection and harbours, from 1,700,000 to 1,800,000; in 1796, 1,300,000; and that estimated for 1797, 1,200,000 dollars.

If this expence, he said, was compared with the general expences of the government, it would be found to be five sixths of the whole: and therefore, if they meant to make any retrenchments, this was the object in which they should attempt them.

If the average expence of 1790 and 1791, was compared with that of 1796 and 1797; the former would be found about 400,000 dollars, whilst the latter was from 12 to 1300,000, surely then, there was room for retrenchment.

It was true, as had been suggested by the gentleman from Maryland (Mr. S. Smith) that many retrenchments might take place in the quarter master's and some other departments. He should certainly support him in those deductions, when they should come under consideration; but, an intention of saving in detail, ought not to prevent them, he said, from saving in the principle.

That gentleman, was, however, mistaken with respect to his saving in the naval establishment; for, supposing the frigates would not have more than four months pay, he had omitted to take notice that there was yet required to finish the frigates about 200,000 dollars.

Considering, therefore, that under the head of the military establishment, the principal deductions must be made, he hoped the amendment would prevail.

Mr. Hartley again requested gentlemen to consider that *honesty was the best policy*, as the old adage says, and while we pay proper respect in our conduct to our officers, they will not forget us when calling for their service. He would candidly ask gentlemen whether the last session the army was not put on a peace establishment. The Executive had now ordered the army to be organized upon that order, and now for a counter order to take place almost before the old one was established, were they free from alarm he would ask? Af-

ter the posts are all occupied, and there should appear a surplusage then would be the time to disband.

The question was then taken by yeas and nays for the reduction of the four regiments to three, and carried.

Yeas 44

Nays 39

Those who voted in the affirmative are,

Theodorus Bailey,	George Jackson,
Abraham Baldwin,	Matthew Locke,
Thomas Blount,	Samuel Lyman,
Richard Brent,	Samuel Maclay,
Nathan Bryan,	Nathaniel Macon,
Daniel Buck,	John Milledge,
Demsey Burges,	Andrew Moore,
Samuel J. Cabell,	Anthony New,
Thomas Claiborne,	Robert Rutherford,
John Clopton,	John S. Sherburne,
Isaac Coles,	Tompson J. Skinner,
Jesse Franklin,	Jeremiah Smith,
Nathaniel Freeman, jun.	Israel Smith,
Albert Gallatin,	Richard Sprigg, jun.
Christopher Greenup,	William Strudwick,
William B. Grove,	John Swanwick,
Wade Hampton,	Zephaniah Swift,
Carter B. Harrison,	George Thatcher,
John Hawthorn,	Joseph B. Varnum,
Jonathan N. Havens,	Abraham Venable,
James Holland,	John Williams, and
Andrew Jackson,	Richard Wing.

Those who voted in the negative, are,

Fisher Ames,	William Lyman,
Theophilus Bradbury,	Francis Malbone,
Gabriel Christie,	F. A. Muhlenberg,
Joshua Coit,	William Vans Murray,
William Cooper,	Alexander D. Orr,
William Craik,	John Page,
James Davenport,	Josiah Parker,
George Dent,	John Patten,
Abiel Foster,	Elisba R. Potter,
Dwight Foster,	Francis Preston,
Ezekiel Gilbert,	John Reed,
Henry Glen,	Samuel Sitgreaves,
Chauncey Goodrich,	Nathaniel Smith,
Andrew Gregg,	Samuel Smith,

Roger Grifwold,
George Hancock,
Robert Goodloe Harper,
Thomas Hartley,
Thomas Henderson,
John Wilkes Kittera,

William Smith,
Richard Thomas,
Mark Thompson,
John E. Van Allen, and
Peleg Wadsworth.

Mr. Murray made a motion to restore the two companies of light dragoons. When the motion to strike these out was agreed to, it was contemplated, he said, to retain the four regiments of infantry; now one regiment had been struck out, there might be gentlemen who would wish to have the dragoons kept up. He owned he was of that opinion.

Mr. Sitgreaves called for the yeas and nays. Agreed.

Mr. Holland thought there was no necessity for these troops, Georgia was as secure, and had soldiers in garrison, as well as the other frontiers; he supposed the member from Georgia voted for the reduction, for the purpose of having those horse kept.

Mr. Milledge said he was still of the same opinion as before, of the great necessity of the dragoons being kept up on that frontier; if posts were necessary there, he said, dragoons were also necessary. He knew it would be great expence, and he was as much as possible for retrenching expence, but not at the hazard which a want of proper security in that quarter, would run. If any disturbance with, or inroads from the Indians in that quarter should occur, what would give that expeditious check which dragoons could when our posts are 25 miles asunder, and our frontier extends 300 miles. It was well known that we might be one day upon the best terms, and perhaps the next at war. From these ideas he would leave gentlemen to judge whether they did not require expeditious movements.

Mr. Gallatin said he knew not how a motion of this kind could be made, when the question was put on the words as amended.

The Speaker explained.

The question was then put to restore the dragoons, and lost.

Yeas 18

Nays 64

Those who voted in the affirmative are,

Abraham Baldwin,
William Cooper,
William Craik,

Thomas Hartley,
John Wilkes Kittera,
Francis Malbone,

James Davenport,
Dwight Foster,
Ezekiel Gilbert,
Henry Glen,
Chauncey Goodrich,
Robert Goodloe Harper,

John Milledge,
F. A. Muhlenberg,
William Vans Murray,
John Page,
Samuel Sitgreaves, and
William Smith.

Those who voted in the negative are,

Theodorus Bailey,
Thomas Blount,
Theophilus Bradbury,
Richard Brent,
Nathan Bryan,
Daniel Buck,
Demsey Burges,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Joshua Coit,
Isaac Coles,
George Dent,
William Findley,
Abiel Foster,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
Christopher Greenup,
Roger Griswold,
William B. Grove,
George Hancock,
Carter B. Harrison,
John Hathorn,
Jonathan N. Havens,
Thomas Henderson,
James Holland,
Andrew Jackson,
George Jackson,
Matthew Locke,
Samuel Lyman,

William Lyman,
Samuel Maclay,
Nathaniel Macon,
Andrew Moore,
Anthony New,
John Nicholas,
Alexander D. Orr,
Josiah Parker,
John Patten,
Elisba R. Potter,
Francis Preston,
John Reed,
Robert Rutherford,
John S. Sherburne,
Jeremiah Smith,
Nathaniel Smith,
Israel Smith,
Samuel Smith,
Richard Sprigg, jun.
William Strudwick,
John Swanwick,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Philip Van Cortlandt,
Joseph B. Varnum,
Abraham Venable,
Peleg Wadsworth,
John Williams, and
Richard Winn.

And then the main question being taken, that the House do agree to the said first resolution, amended to read as followeth :

Resolved, That all such parts of the act, intituled “ An act to ascertain and fix the military establishment of the United

States," which relate to the light dragoons, ought to be repealed; and that the four regiments of infantry be reduced to three."

It was resolved in the affirmative.

The second, third, fourth, fifth, and sixth resolutions being read, were, on the question severally put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions; and that Mr. Samuel Smith, Mr. Hartley, Mr. Parker, Mr. Van Cortlandt, and Mr. Dearborn, do prepare, and bring in the same.

The House, on motion of Mr. Dent, resolved itself into a committee of the whole on the bill for regulation of pilots within the bay and river of the Chesapeake, Mr. Muhlenberg in the chair; when

Mr. Swanwick briefly stated the intention and operation of this bill, which was to give equal privileges to Virginia and Maryland pilots, with respect to bringing in vessels into the Chesapeake. This application was founded on this circumstance, viz. that Maryland pilots went out farther to sea than Virginia pilots, to meet vessels, and were frequently called on to pilot vessels belonging to Virginia, but not being allowed any thing for this pilotage, the Virginia pilots taking possession of any vessel brought in by such a Maryland pilot into the Chesapeake, and receiving all the advantages of the pilotage. This practice had consequently had this effect. Maryland pilots, though vessels were in the greatest distress, would not come on board, so that many had been lost, for want of pilots, as the Virginia pilots scarcely ever went out to sea. The bill went to direct the board of pilots to grant licences on equal terms to Maryland and Virginia pilots.

Mr. Parker confirmed this statement.

Mr. Coit objected to the principle, from doubts whether they had a right to direct the affairs of a state government to do certain acts.

Mr. S. Smith thought these officers might be directed to grant licences to these pilots on the same ground that the judges and justices of states are directed to do the business of the United States.

Mr. Sitgreaves did not allow the analogy of the two cases. In 1789, he said, there was a similar case. When it was necessary to provide for the safe keeping of the prisoners of the United States in the several states, when Congress did

not pass a law on the subject, but passed a resolution, requesting the several states to pass laws to provide for the case.

Mr. Nicholas thought the duty might as well be done, not by directing the officers to perform the duty, but by permitting them to do it. He thought this mode would steer clear of the objection.

The committee rose, and had leave to sit again.

Adjourned.

Wednesday, January 25.

Mr. Parker, from the committee appointed, the sixteenth ultimo, to enquire into the state of the naval equipment, ordered by former acts of Congress; and whether any, and what other naval force is necessary for the protection of the commerce of the United States, and the support of their flag, made a report, which was read, and ordered to be committed to a committee of the whole House, on Monday next.

Mr. Dwight Foster, from the committee of claims, to whom were referred the petitions of Arnold Martin, and Sarah, his wife, late widow of James Mugford, deceased, and of Jonathan Haynes, made reports, which were read, and considered: whereupon,

Resolved, That the prayer of the petitions of the said Arnold Martin, and Sarah, his wife, and Jonathan Haynes, cannot be granted.

A message from the Senate, by Mr. Otis, their secretary.

Mr. Speaker—The Senate have disagreed to the amendment proposed by this House, to the bill sent from the Senate, intitled “An act giving effect to the laws of the United States, within the state of Tennessee.”

On motion of Mr. Venable, the unfinished business of yesterday was postponed, in order to take up the report of the committee of elections on the election of Joseph Bradley Varnum, which was, as we have before stated, in favour of the sitting member. It is also stated not only that his conduct had been fair and regular throughout the whole business, but that the object of the petitioners was “*rather the effect of malevolence than from a wish of promoting the public good.*”

Mr. Coit moved to strike out the words printed in Italics. He doubted the propriety of the House passing a censure of the kind proposed upon the petitioners and those who supported them.

This motion caused a debate which occupied the remainder of this day's sitting, which as it was in some degree of a private and local nature, will not be given in detail.

The motion to strike out the words in question, was supported by the mover Messrs. Thatcher, Bradbury, Sitgreaves, Craik, N. Smith, Cooper, Murray, Sewall, Harper, D. Foster and Williams; and opposed by Messrs. Venable, Swanwick, W. Lyman, Nicholas, Dearborn, Rutherford, Baldwin, Christie, Holland, Madison, and Brent.

The principal ground upon which the motion was supported was, that the committee of election had no business to scrutinize the motives of petitioners; that their motives had nothing to do with the legality or illegality of elections; that they ought to report that a petition had foundation, or it had not; that that House had no right to take upon them to judge upon motives and characters. It was said, on the other hand, that the charges in the petition were so notoriously false and malicious as to call for some other notice than barely to say they were unfounded, and that it was necessary to put a check upon such outrageous attacks upon members of that House, by some such notice as was reported, in order to prevent them in future.

The yeas and nays were called for upon this question, and all the papers relative to the business were read. This took place towards the conclusion of the business, and so exhausted was the patience of the House, that four different motions were made and negatived for adjournment.

At length, Mr. Coit offered a substitute for his former motion, viz. to strike out the words in *Italic*, in order to insert these words, "that the conduct of the sitting member has been fair and honourable throughout the whole transaction."—This motion was put and resolved in the affirmative.

Yeas	44
Nays	28

Those who voted in the affirmative, are,

Theophilus Bradbury,	John Hathorn,
Demsey Burges,	Thomas Henderson,
Joshua Coit,	William Hindman,
William Cooper,	George Jackson,
William Craik,	Samuel Lyman,
Samuel W. Dana,	William Vans Murray,
James Davenport,	Anthony New,
Henry Dearborn,	Elisha R. Potter,
George Ege,	John Reed,
Abiel Foster,	Samuel Sewall,

Dwight Foster,
 Jesse Franklin,
 Ezekiel Gilbert,
 James Gillespie,
 Henry Glen,
 Chauncey Goodrich,
 Christopher Greenup,
 Roger Griswold,
 William B. Grove,
 George Hancock,
 Robert Goodloe Harper,
 Carter B. Harrison,

Samuel Sitgreaves,
 Nathaniel Smith,
 Isaac Smith,
 William Smith,
 William Strudwick,
 George Thatcher,
 Richard Thomas,
 John E. Van Allen,
 Philip Van Cortlandt,
 Peleg Wadsworth,
 John Williams, and
 Richard Winn.

Those who voted in the negative are,

Theodorus Bailey,
 Abraham Baldwin,
 Thomas Blount,
 Richard Brent,
 Nathan Bryan,
 Samuel J. Cabell,
 Gabriel Christie,
 Thomas Claiborne,
 John Clopton,
 George Dent,
 Albert Gallatin,
 Andrew Gregg,
 Jonathan N. Havens,
 James Holland,

Andrew Jackson,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 John Milledge,
 Andrew Moore,
 F. A. Muhlenberg,
 John Nicholas,
 Alexander D. Orr,
 John Page,
 Josiah Parker,
 John Patten,
 Francis Preston, and
 John Swanwick.

Adjourned at four o'clock.

Thursday, January 26.

The message from the Senate of Wednesday was read, signifying their dissent from the amendment made in altering the salary of the Judge of the state of Tennessee, from 1000 to 800 dollars per annum, being part of the act for giving force to the laws of the United States in that state.

It was moved that the consideration of the same be now taken up, Ayes 22, Noes 22, the speaker decided in the affirmative.

Mr. Sitgreaves was originally a supporter of the larger salary, from a conviction that 800 dollars would be inadequate to the expences of the office, or the respectability of talent and character required to fill it; he should expect that the expences of travelling across the wilderness and opening the several terms at the seasons required by law, were such as entitled a magi-

strate of so necessary and respectable a description to adequate compensation.

Mr. Williams had originally opposed the salary of 1000 dollars, because he considered 800 as sufficient for the duties that were to be performed; as to the price of the necessaries of life, he believed that the argument went for nothing, since it was very well known that they were much cheaper in the Tennessee country than in most other states, where the salaries were not higher than the greater sum; and there were some of the states, the Judges of which had no more than 800 dollars.

Mr. Thatcher had supported the salary of 1000 dollars before, and he did not see the justice of arguing that the duties of the office were such, because the same qualifications are necessary for the office, and the same expences are incurred, whether the judge has to decide upon three causes, or three hundred.

Mr. Gilbert said, that it appeared to him that there could be no reason for giving the judge of Tennessee a larger salary than that of Vermont.

Mr. S. Smith said that Vermont was the only state in the Union where the judge had less than 1000 dollars; and it did not appear to him as fair to argue for the present time upon an establishment that had taken place at a period when the necessaries of life were cheaper.

Mr. Nicholas was desirous of practising economy as much as any one in the distribution of the public's property, he did not see that it would be money mispent in allowing a competent salary on the present occasion.

Mr. Coit said that gentlemen had formed their notions of the salary that should be given to magistrates of importance upon incorrect views, of the merits of the case; the class of persons from which they are taken, it must be considered, derive a large income by professional duties, and a profession too whose members are generally desirous after a few years practice of retiring from its fatigues; the office of judge therefore must be considered as a kind of sinecure.

Mr. Sitgreaves noticed the observations of the previous speakers, and said that it was entirely immaterial whether in point of justice to the magistrate he tried many or no causes, if he was taken from a profession whereby he derived a competent support for himself and his family: as to persons of the legal profession wishing to retire from business, he believed it was their wish in common with every other profession; the

expence of living had been said to be cheaper, and the duties few, but he would ask if the sessions must not be opened by the judge at the places appointed by law at the stated periods; when these points are remote, he did not see then but labour was greater on a professional man to make those journeys, than the local duties themselves, and it would not be said that the expence was less.

On motion for resuming the bill with the larger sum, as decided upon by the senate, the house divided, Ayes 33—Noes 39.

The house, therefore, insisted upon their amendment, and returned the bill to the senate; it afterwards came from thence, with notice that they had receded from their amendment.

A report was received from the commissioners of the sinking fund, inclosing a report from the secretary of the treasury to them, giving an account of the sales of public property in consequence of the act passed last session for making provision for the payment of certain debts of the United States. By which it appears that 2160 shares of the stock of the bank of the United States, belonging to the United States, have been sold on a credit of 60 days, without interest, at the rate of 2500 dollars per share, or 25 per cent. above the original cost. That the money received had been placed to the credit of the United States with the bank; that there had been sold of the 6 per cent stock to the amount of 1,200,000 dollars, which had been applied to discharge sundry obligations of the United States therein specified. The report was referred to the committee of ways and means.

Mr. Dwight Foster, from the committee of claims, made reports on the petitions of Samuel Morrell, and Mehetabel Baker, which were against the petitioners, and concurred in by the house.

Mr. Patten presented a petition from John Brown, a soldier in the late war, praying for relief.

Mr. Clopton presented a similar petition from John Valentine.

Mr. New presented the petition of Presley Thornton, a captain in the late war.

All which petitions were referred to the committee of claims.

Mr. Kitchell moved that the report of the committee of claims on the petition of Allete Bogert, not acted upon, might be referred back to that committee.

Mr. Dearborn moved the unfinished business to be postponed, to take up the Militia bill.

Mr. Thatcher wished the bill for regulating post-offices and post-roads to be taken up.

Mr. W. Smith hoped the report on the subject of appropriations for the year 1797, would be entered upon.

Mr. Gallatin thought it would be best to take up the report of the committee on the subject of compensation.

It was at length agreed that the last subject should be taken up, and the house accordingly resolved itself into a committee of the whole upon that subject :

Mr. Muhlenberg in the chair, the following report being read, viz :

“ That, in the opinion of the committee, the compensations allowed by law, to the secretary at war, and attorney-general, ought to be augmented by an additional compensation of five hundred dollars per annum, to each of the said officers; and to commence on the 1st day of January, 1797.

“ That, in the opinion of the committee, an addition of salary for the year 1797, ought to be allowed to each of the following officers, viz.

“ The secretary of state, the secretary of the treasury, the secretary of the department of war, the attorney-general, the post-master-general, the treasurer, the comptroller of the treasury, the commissioner of the revenue, the auditor, the register, the assistant post-master-general, and the keeper of military stores; and that such addition of salary ought to be at the rate of 25 per cent on the amount of the present compensation allowed by law, to each of the said officers, respectively.

“ That, in the opinion of the committee, the act intituled “ an act to regulate the compensation of clerks,” passed the 13th of May 1796, ought to be continued during the year 1797, and no longer.

That, in the opinion of the committee, an additional compensation ought to be made, for the year 1797, to each of the loan officers of the states of Massachusetts and New-York; and that each of the said officers ought to be allowed the further sum of three hundred and seventy-five dollars, for the present year, and likewise three hundred dollars to be distributed, at their discretion, among the clerks in their respective offices, in addition to the compensations heretofore allowed by law, to the said clerks;—and that the sum of one hundred and twenty dollars, ought to be allowed to the loan officer of the state of Pennsylvania, to be, in like manner,

distributed among the clerks in his office, for the present year."

The first clause being under consideration,

Mr. Dearborn (the chairman of the select committee) said, the reasons which had induced the committee to recommend an advance in the salaries of the secretary at war and attorney general were, that they appeared too low when compared to those of other officers. They could see no reason why the secretary of war should not have three thousand five hundred dollars, as well as the secretary of state and the secretary of the treasury, since they believed the business was in all respects equal to either of the other secretaries.—They thought also that 1,900 dollars was not a sum equal to the services of the attorney general, since the abilities and character required for that office were of the first kind, nor in proportion to the pay of other officers of government. These were the reasons, Mr. D. said, which had operated with the committee to propose these permanent additions to the salaries of the two officers in question. They were afterwards included with the other officers, upon whose salaries an advance of 25 per cent. was proposed on account of the present high price of living.

Mr. Rutherford hoped they should not concur with the report of the committee. He thought it an improper time to go into the proposed advances of salary. He believed gentlemen drew their opinions of the necessity of doing this, from the present immense circulation of money; but this, he said, would not continue to be the case; they might expect money would appreciate. These advances would prove very disagreeable to the people at large; they were inconsistent, and an outrage on common sense, right reason, and justice. If they had it in their power to raise the salaries of every person in their employ, it would give him pleasure; but how would it look to the people to do it at this time, when our finances required economy? They would not like it, and he should therefore give the measure his decided negative.

Mr. Thatcher was opposed to the proposed advances. When salaries were fixed, he doubted not, they were fixed according to their relative importance, and according to the business each would have to transact. As it was probable the expenses of living would not always be so high as at present, he thought any allowance made these officers should be for a limited time. Until he heard some reasons for these advances,

(for he had not distinctly heard his colleague) he should vote against them.

Mr. Murray believed little could be added to what had been offered by the gentleman from Massachusetts, (Mr. Dearborn) as the reasons for the advance in question.—He believed the committee were unanimous in their opinion of the propriety of making the salary of the secretary of the war department equal to that of the other two secretaries. He did not therefore anticipate any objections to this proposition. It would be invidious, he said, to go into a comparison of the business of the several departments; but he thought he might with propriety say, that the business of the war department was as important and laborious as that of any of the other departments. It was, therefore, always strange to him that the salary of the secretary of that department should be less than the other secretaries. He never heard any reason for it; and he could not doubt, when gentlemen considered the importance of the office, and the labour which he had to go through, particularly since the system of civilization with respect to the Indians had been adopted, they would not hesitate in voting for the report.

With respect to the attorney general, he supposed, when his salary was fixed, that it had been made low, from a consideration that he would be able to make up the deficiency from his practice at the bar; it was true, this might have been the case; but being generally drawn from a distance, and of course a stranger at the seat of government, he would always have many difficulties to overcome before it could be supposed he would have much business in his profession. He might now and then meet with cases in the supreme court; but could not expect to meet with business to afford him any considerable profit. And surely, said Mr. M. a man, whose opinion was the guide of government, in many of its important movements, should have a sum allowed for his services that should at least be equal to maintenance. Ambition, it was true, might induce men to accept of such an office; but he asked if it was proper, or reputable to government, that an officer of such importance in the government, should be obliged to have recourse to his own private fortune to supply the deficiency of his salary; for every one knew how far 1000 dollars would go in maintaining a family in Philadelphia?

The additional salary proposed for these two officers, were the only permanent additions contemplated in the report, and he trusted they would be deemed reasonable and proper.

Mr. S. Smith said, he believed it would be easy to give a reason why the salary of the secretary of war was not made equal to that of the other secretaries. At the time these salaries were fixed, the business of that office was not what it is now; he believed they had only one regiment at that time. That officer had now an infinity of business, which he had not then, which was good reason for the proposed advance. The Naval Establishment, he said, would also add to the duties of that office. With respect to the attorney general, his colleague, he thought, had given good reason why his salary should be advanced. One thousand nine hundred dollars, he said, would not be more than a fourth part of the expence which such an officer would be put to in living at the seat of government. So that if his salary were advanced, as proposed, he would still have to encroach upon his private fortune for a maintenance.

Mr. Holland doubted not, that when the salaries of their respective officers were fixed, they were apportioned according to their several duties. He was not well enough acquainted with the duties of the different offices to form a correct judgment on the subject; but if they were fixed right, he saw no occasion for altering them. The attorney general had received considerable additions to his salary since it was first established. It had been said the private business of an attorney general was injured by undertaking that office. He did not know how this might be in the general government, but in the state governments it was very different, such an office gave a man consequence in the public opinion. He believed this would be the case with respect to the attorney general, if he had time to spare.—With respect to the secretary of war, he thought it a little odd that now, in a time of peace, an increase of salary should be asked. Something had been said of the naval establishment adding to his duty; he hoped that establishment would not afford him much business. He should certainly be opposed to troubling him much on that account. He hoped the report would not be agreed to.

Mr. Nicholas said the advance now proposed, was different from raising of salaries in general. He believed the salary of the attorney general was fixed at so low a sum from an idea of his getting business; but it must be known that a stranger would have little chance of entering into practice on his arrival at the seat of government. If the office was necessary (and he believed no one would dispute that) it was necessary to raise his salary.

Mr. N. said he was doubtful whether the business of the secretary at war was equal to that of the other secretaries; but he thought the public service and interest would be promoted by making this salary equal to the others, as it would do away that desire of change which at present existed, on account of the difference of salary. He should, therefore, vote for this part of the report, but should be opposed to the other parts of it.

Mr. Hartley said the committee could not see any solid reason why the secretary of war should be less than the other two secretaries. The attorney general, he said, was cut off, by the duties of his office, from taking circuits in the country. Indeed he believed, he had not much time to attend to any other business than that of government. Fees he got none. He, therefore, depended on his salary. He was a stranger, and as government was likely shortly to be removed, he would be looked upon merely as a temporary resident, and would not, on that account, be likely to obtain much steady business.

Mr. Thatcher wished the present subject had been put off till next session. At a time when they were embarrassed for want of money, he thought they ought not to be advancing salaries. He saw no reason, if they agreed to this report, why they should not extend the advance to themselves. No officers suffered more from the depreciation of money than that House and the Senate. The arguments of the gentleman from Maryland, for advancing the salary of the secretary of war, went to the docking that of the other secretaries. He saw no justice in augmenting one and not the other. He saw no objection to the salary of the attorney general being raised, if he had not business. Justice seemed to require this; but still he was sorry the subject was now brought forward. The fears which they at present entertained of a defalcation of revenue on account of the hostile dispositions of foreign powers, might not be realized, and in that case, they should feel more disposed to be liberal. He, therefore, moved the committee might rise.

The question for the committee rising, was put and negatived, there being only 28 votes in favour of it.

Mr. Brent said the sense of the committee would, perhaps, be more fairly taken, if the question was divided; for though he thought it no more than right that the salary of the secretary of war should be advanced, yet he did not think it so necessary as that of the attorney general. It had been justly observed, that when the salary of this officer was fixed, it was

probably from an idea that he would get business in his profession ; but, notwithstanding some of the highest law characters in the country had filled that office, he believed they had never had much business besides that of their office. He said there was no office under government of greater importance than this, and its duties ought, in some degree, to be requited. The income of the present Attorney General, from his profession, he well knew, before he entered upon his office, was more than double his present salary. He hoped, therefore, whatever might be done with respect to the Secretary of War, the pay of the Attorney General would be increased.

Mr. Harper believed, without entering into a comparison between the duties of the different officers of government, other views of the subject might shew the justice of the proposed advance. He trusted no objection would be made to the advance of the Secretary of War equal to the other Secretaries. It was certain none of the officers of government could be discharged without a constant residence at the seat of government ; and, when a man left his home, it was of little importance whether he was employed an half or a whole day, or whether his duty was great or small ; he made the same sacrifice, in one case as the other.

With respect to the Attorney General, the present salary held out a fallacious expectation of business independent of his office ; whereas no man entering upon this office could obtain a practice of any consequence, till he had held it at least for three or four years ; because, when business of this kind had got into a channel, it required time to divert it. The Attorney General, Mr. H. said, was an officer of government frequently called upon in public business, not only by the Executive, but by Congress, and this being of a paramount nature, all other business must yield to it. Therefore, a gentleman filling this office would not have time to attend to regular practice, since, to do that to any purpose, he should always be to be found at his office or at court. An officer of this kind, Mr. Harper said, ought to be so paid, as not to depend upon private business for a living. His office was very important, and would require his mind to be wholly free from other concerns ; as, except this were the case, public business would never be done in a proper manner. He hoped, therefore, the report would be agreed to.

Mr. Rutherford repeated his objection to agreeing to the report. He said to advance the salaries as proposed would be

to remedy a temporary evil, at the expence of a permanent one, and would be contrary to republican economy.

Mr. Harper proposed, by way of amendment, to make an additional allowance of 1600 dollars, instead of 500, to the Attorney General, in order to make his salary 3,500 dollars, so as to be equal to the Secretary of State and the Treasury.

This proposition did not meet with a second, and therefore fell to the ground.

Mr. Gallatin said there was much weight in many of the observations of gentlemen in favour of the first clause of the report. Strong reasons had been urged why the Secretary of War should be put on a level with the Secretaries of the other departments, and, also for advancing the salary of the Attorney General. Though he did not think all the reasons which had been offered were of equal weight. One of the arguments used by the gentleman from South Carolina (Mr. Harper) was, that all the officers of government were obliged to leave their homes to reside at the seat of government, and that it was not important to enquire what was their duties. He did not think this a good reason why the salaries in question should be advanced. It would apply to all the officers of government resident at the seat of government, to the Postmaster, Comptroller of the Treasury, and others.

But, taking it for granted, that it was necessary to make some distinction between the heads of departments and others, there was a fact stronger than any arguments used on the occasion. Our business, said Mr. Gallatin, has been done, and been well done, under the present establishment. If this were a fact, until they found it neglected for want of a sufficiency of salary, he thought they should not increase it. At any rate, he thought they ought not to vote for this increase, when revenue was so much wanted as at present.

Without wishing to give it as general sentiment, we ought, said he, to consider, on the present occasion, the feelings of the people. Upon the subjects of granting of salaries and laying taxes, these feelings should be considered, because the security of revenue depended upon public opinion; and if once that was unattended to with respect to raising of money, our situation would be worse than at present. Evasions would be made and smuggling would be introduced.

He believed the present prevailing opinion was, that the salaries of our officers were sufficiently high. If this was so, he thought, at the moment they were about to resort to direct taxes, which would go to the pockets of every one, they

ought not to tell the people their opinion was ill founded. For this reason, and believing that no mischief could arise from withholding this advance, he should vote against this part of the report.

Mr. Williams said, when the salaries of these officers were estimated, Congress doubtless took into view the duties of each, and apportioned them accordingly. Since that time the business of the war department was much increased; and it was found that the Attorney General's dependence upon business, besides what was connected with his office, was very uncertain. When the subject was before the committee, he was of opinion that the salaries of these two officers were too low; and it was well known that he was not in the habit of voting for the increase of salaries. And he would ask where there was a man who lived in Philadelphia, in the same style in which it was expected that our Attorney should live, that could maintain his family for 1000 dollars a year? And if this could not be done, was it right that they should expect their officer to encroach upon his own private fortune, whilst in the service of government? He trusted not. Their officers, he said, ought not only to have a sufficiency for handsome maintenance, but something more. He trusted, therefore, the report would be agreed to.

Mr. S. Smith said, the gentleman from Pennsylvania (Mr. Gallatin) might wish, by keeping down salaries, to shut out persons from distant parts of the union, from the office of government, and confine them to inhabitants of Pennsylvania, who would not labour under the disadvantages of strangers; he, therefore, might not feel the subject so much as others. He believed the President had found a difficulty in filling the offices of government, from the lowness of the salaries affixed to them. Persons, who could not afford to spend their private fortunes in the public service, had declined the acceptance of them. The present secretary of war was a man of fortune, and could afford to spend a part of it, and therefore he accepted it; but it might have been offered to persons who could not have afforded to have made the sacrifice.

No man, Mr. S. said, could come into Philadelphia, and live for 3,500 dollars a year. Suppose him at the head of a department, he could not keep a riding horse for that sum. He agreed with the gentleman from Pennsylvania (Mr. Gallatin) that they ought to attend to public opinion. The opinion of that gentleman's constituents, he doubted not, was, that 3,500 dollars was a monstrous thing. But he would ask

what the opinion of the people of Philadelphia was? In his district, he was confident, the opinion of the people was not that the salaries of our officers were too high.

But, what was the consequence of thus keeping down salaries? It excluded from the offices of government all but men of fortune. Many gentlemen would not complain of this, but he wished to bring forward men of talents and industry, who could not be put into offices, except the salary were sufficient to support them in the stile in which they must live.

Mr. A. Jackson said the reason which had weighed with the committee principally, was, that these salaries ought to be advanced, in order to make them in proportion to the other salaries of government officers. No gentleman, he believed, had given any reason why the present difference should exist.

But, whilst he was up, he would notice what had fallen from the gentleman from New-York (Mr. Williams). He had asked what attorney general could maintain his family for 1,900 dollars a year? But, when the salary of the Judge of Tennessee was under consideration, 800 dollars were thought enough by that gentleman, for him and his family, though he were a man of abilities equal to the filling of the office of attorney general. If the Judge of Tennessee was to leave his profession to live upon 800 dollars, he thought 3000 might support the secretary at war. For this reason, though he saw no other ground for changing his former opinion, he should vote against the report.

Mr. Williams said he wished to set the gentleman right. He thought 800 dollars in Tennessee more than equal to 3000 in Philadelphia; but the attorney general, if the proposed advance were made, should have only two thousand four hundred dollars.

Mr. Murray hoped the gentleman from Tennessee would not depart from the opinion which he acknowledged he had been of. The question was not whether 3000 dollars in Philadelphia were equal to 800 in Tennessee; but whether they should not advance the salary of one secretary to that of two others, and add 500 dollars to that of the attorney general. He trusted, therefore, five minutes reflection would restore the gentleman to his former opinion, since the judge of Tennessee had nothing to do with the present business.

Mr. Henderson said, amongst the duties of the secretary of war, had been mentioned, the great business which would be occasioned by the plan adopted for civilizing the Indians. He

did not know what part of that business he would have to perform; but he knew there had been appointed an agent of the Indian department, and a surveyor of public supplies, who, he imagined, would reduce the business of the secretary of war in that respect. Peace also being concluded with the Indians, they might rationally conclude that there would be a diminution of duty.

Mr. H. asked whether the secretary of war, or the attorney general, had presented any memorial for an increase of their salaries? He believed not. He had heard, on former occasions, of gentlemen volunteering themselves in the service of petitioners; he thought this would be truly a volunteering business, and at a time when our revenues called for the strictest economy. He wished the subject had been suspended (as had been proposed) for the present session. For his part, he did not expect much diminution in the price of living.

Mr. Coit hoped the question would be divided, so that the sense of the committee might be taken separately on the advance proposed to each officer. An argument of considerable weight with him in favour of the advance of the secretary of war, was, that his salary being 500 dollars less than the other two, however his abilities may be peculiarly adapted for that office, whenever there was a vacancy in either of the other two, he was always ready to make a change, and by these changes, it might happen that a valuable man would be lost to the war department, whose abilities were peculiarly fit for the office, and which, therefore, were sacrificed. He hoped the report would be agreed to.

Mr. Murray said he meant only to make one remark in reply to the gentleman from New-Jersey. He would inform him that this was not a volunteering of business, as he had been pleased to call it; but in consequence of (what seemed to have slipped the gentleman's memory) a recommendation from the President at the opening of the session [Mr. M. read the passage of the President's speech, which recommends the compensations of the officers of government to the attention of both houses.] This was a recommendation, which he trusted the gentleman from New Jersey would not feel a disposition to flight. As to there having been no petitions, he said, it would be a miserable justice, which waited to be petitioned to redress a grievance which was so glaring as the present.

Mr. Hattley read the resolution of the house which appointed the committee to take this subject into consideration. In consequence of that resolution, Mr. Hartley said, the committee had looked into all the salaries, from the highest to the lowest, and the report before them was the result of their enquiries. The committee, he said, were unanimous as to the propriety of raising these two salaries.

Mr. Henderson said, it struck him that there had been no application to the house in the usual way for an advance of these salaries, and this was the foundation of his remarks. Though he trusted he should always pay due respect to what came from the President, yet he did not wish to pay implicit confidence to any communication. He wished to have an opinion of his own. It was on account of economy that he objected to the proposed advances. Notwithstanding the recommendation of the President, the present embarrassment of our revenue was such as would warrant, at least, the postponement of the subject to a future day.

Mr. Sitgreaves said, it was a strange thing that so much should be said about the embarrassment of our revenue upon every question which came before them, as if they could not do an act of justice, because of that embarrassment. If this argument was to be used so often it became necessary to enquire wherein it consisted. Would any gentleman say that the state of the country was such as not to be equal to the support of government? Was the country then, poor? No: the people were able and willing to do justice. The embarrassment, of which they heard so much, was nothing more than a conflict of opinion in that house, and a difficulty of forming a majority on any one plan; and no real embarrassment. This consideration, therefore, ought not to be pressed upon the house on every occasion. It was not a want of means; but a difference of opinion on the choice of means, which embarrassed them.

Whilst he was up, he would make a few remarks on what had fallen from his colleague (Mr. Gallatin.) Though he differed with him with respect to his conclusions, yet he was pleased with the avowal of his opinion, "that the business of Government had not only been *done*, but *well done*." He felt satisfaction at hearing the approbation of so good a judge; but he differed from him in the inferences which he drew from his assertion. Mr. S. said he acknowledged "it had been well done," but it did not follow that it would continue to be well done.—If these gentlemen had been ena-

bled to discharge their duty whilst things were low, without an outrage of their duty to their family, did not a change of time and circumstances, call for a change of conditions? Most certainly they did. Besides, though they were told "that the business was done and well done," yet he believed there had been some difficulty in obtaining persons to do the business. Was it not true, that embarrassments had arisen, and were likely to arise, from a want of sufficient salary being allowed? The President, he said, was a character not wantonly to lay things before the House; and, when he had suggested what was important, was it not to be supposed, that from his experience he had found them to be so? Was it not a fair inference, that serious inconveniences had arisen? Was it not matter of notoriety, that offices had been offered and refused, and that valuable Officers had given up their situations, on account of the incompetency of salaries? He believed it was.

Nor did Mr. Sitgreaves agree with his colleague as to what was the public opinion with respect to salaries. In his mind, the prevailing opinion was, that the salaries of officers ought to be competent; such as would command men of abilities throughout the United States.

There might be some difference of opinion betwixt people in one part of the country and those in another, with respect to what was sufficient; but amongst the people in his walk, very opposite sentiments were held to those which the gentleman had given as the prevailing public opinion—they thought the salaries of officers incompetent to their situations.

He hoped, therefore, the house would do what they conceived to be right in the abstract. If there was a propriety in making the salary of the secretary of war equal to the other secretaries, and of advancing the attorney general, he trusted they would do so. He doubted not they would afterwards provide the means. He hoped, therefore, they should hear no more of our embarrassments.

Mr. Gallatin said, when we feel, and have felt for some time embarrassments with respect to our revenue, it was but just, but right to bring those embarrassments forward against increasing our expences; the thing was so evident as not to need an argument to support it. Had they not last session and this session, he asked statements from the department of the treasury which shewed clearly this embarrassment? Did they not know that they had been obliged to sell their shares

of the bank of the United States? That though that bank had asked for payment of the debt due to them, they had not been able to pay it? Last year, when they asked for payment of part of the debt, government opened a new loan upon the most advantageous conditions; they had also offered for sale their shares of the bank stock, but all had not been sufficient to pay the debt.

If this was not a real embarrassment; if it was not felt by all of them, he did not know what was become of their feeling with respect to public credit. When they knew, (what did not depend upon the opinion of any man, who was liable to be mistaken, but from official reports) that the present revenue was not equal to our expences; that from not being able to borrow money, they had found it necessary to increase the revenue; when we know the situation of our present revenue, that it depended on a commerce every where subject to attack and depredation, and that consequently it must experience great defalcations, was there not some ground, he asked, for saying, their revenue was embarrassed, and for refusing on that account, to go into an increase of salaries.

Mr. Gallatin said, his colleague seemed to have laid peculiar stress upon his having said, that the business of the officers, whose salaries were proposed to be advanced, "had been done, and well done," for their present pay, and that, therefore, there was no occasion to increase them. He said he did not mean to retract any thing which he had said; he thought "it had been done, and well done." But as a different meaning might be put upon this assertion, from that which he intended by it, he would just declare in what sense he used the words. He solely applied the remark to the *business of office*; he meant that all the details of business which fell under those departments, had "been done, and well done," and had no allusion to the *ministerial* measures of any of those gentlemen. He did not know, upon examination, whether he would approve or disapprove of them; but he had applied his remark merely to the *business of office*, which he considered "as done and well done," and that therefore there was no need of an increase of salary.

As to what his colleague had asserted respecting *prevailing opinions*, he knew not the line of his walk; but, when he mentioned the *prevailing opinion*, he meant the opinion of the great mass of the people out of large cities. He believed that opinion was what he had said it was, and he thought it necessary to pay some respect to it. And when he said, that

our revenue depended in a great degree upon public opinion, it was not a wild assertion, but founded on fact. He knew if public opinion did not look upon the practice of smuggling as dishonourable, it would not be long prevented. If it were looked upon here as no higher crime than in England, where it was thought very lightly of from the oppressive weight of duties imposed, smuggling would soon become very common in this country; but, he said, at present infamy was attached to the character of a smuggler, and whilst public money continued to be properly expended, this sentiment would continue; but no longer would public opinion support government than whilst government respected public opinion.

When he made these observations, he said, he did not mean them to apply particularly to the 500 dollars proposed to be advanced to these gentlemen, but to increases of salary in general. This was not a moment, Mr. Gallatin said, in which to increase these salaries; for if they increased these, they must increase many others.

One of his colleagues (Mr. Hartley) had said, they had begun at the head, and examined all the offices downwards, in order to discover what alterations were necessary in the salaries of the different officers of government. He would have begun differently. He would have set out at the lowest officer, and proceeded upwards. The reason why he thought this should have been done, was not immediately connected with the present report. It was, that the increase of price in the necessaries of life bore harder on the lower than the higher ranks of society. But the present increase, he believed, was to be a permanent one; and, as he had heard nothing to alter his opinion on the subject, he should vote against the measure.

Mr. Isaac Smith said it was from a respect to economy, he should vote for this report. If, by having their salaries too low, none but the wealthy could accept of them, he believed economy would not eventually be promoted by such a practice. Wealth, he said, did not give wisdom. Croesus was a rich man, but he never heard it said that he was a wise one. He did not look upon the proposed advance as a raising of salaries, but as an equalization of them. Instead of 500, he thought the advance should be 1000 dollars: nor would this addition make them equal in value to what they were when granted.

The question being divided, the sense of the committee was first taken on that part which relates to an advance of 500 dollars to the secretary of war, and negatived 47 to 42. It was then taken on making a like allowance to the attorney general, and carried, there being 48 votes in favour of the measure.

The next resolution, recommending a continuance of the act for regulating the compensation of clerks, passed last year, was taken up. There appeared to have been a mistake in the report of a date. This act was said to have passed on the 13th, instead of the 30th of May last, on which account the reading of the act was called for. It was read.

Mr. Dearborn said, upon examination it appeared, that the same reasons operated now for keeping the act in force, as operated last year in passing the law, when the business was thoroughly investigated. With an exception of two or three instances, this act, it was thought, would provide sufficient compensation for the several officers and clerks therein mentioned. These exceptions were the loan officers of New York, Massachusetts and Pennsylvania, for whom a provision was made in the next resolution.

Mr. Madison said, if he was not mistaken, the act which had been read, not only provided for the increase of salaries of the clerks in the several public offices, but left it to the heads of departments to apportion this increase as they thought proper. This, he supposed, was the effect of necessity, and not meant as a permanent principle. He wished, therefore, the allowance should be apportioned by law. This, he said, was conformable to the true spirit of the constitution. It was proper that these salaries should depend on law, and not upon the will of a superior. He wished, therefore, that that part of the report might be re-committed.

Mr. Williams said, if the law in question was proposed to be a permanent one, the alteration proposed by the gentleman from Virginia would be very proper; but as the law was only passed for one year, and it was now only proposed to continue it for the year 1797, at the expiration of which he trusted the price of living would be moderated, he did not think it necessary to re-commit the report for the purpose mentioned.

Mr. Henderson said, that during the last session, there was a report made to the house, that the number of clerks in certain public offices might be reduced from one hundred

to eighty. By this diminution, he said, there was an immediate addition of 25 per cent. to the remaining clerks. This, he said, was not taken into consideration in the law which had been read. He thought the addition proposed by this law, with that of the 25 per cent. which he had mentioned, would make a very extravagant addition to the salaries in question. He thought, therefore, that there was no necessity for a continuance of the law before them. He was of opinion, also, that a further reduction of clerks might be made.

Mr. Dearborn said, he was not acquainted with the circumstance which had been mentioned by the gentleman from New Jersey; and that the only thing which had come before the committee on this subject, was the act in question. If any act existed of the kind which had been alluded to by that gentleman, it did not come before them.

The question for continuing the act was put and carried, 42 to 40.

Mr. Henderson moved that the committee rise, as, before the next resolution relative to the loan officers, came under consideration, he wished the resolution which he had lately laid on the table, relative to this subject, to be disposed of, in order to obtain the information there contemplated. Mr. Henderson briefly related the reasons which had urged him to bring forward that resolution.

Mr. Williams said, if it was possible to get any information on the subject, he should not object to the committee's rising. They might obtain information as to the past, but no one could say what would be the business of future years. The resolution before them proposed to advance the salaries of the loan officers of New York, Massachusetts and Pennsylvania. If the gentleman would cast his eye upon the report of the secretary of the treasury, he would see that there had been paid at Boston, last year, 300,000 dollars, at New York about the same sum, and in Philadelphia about 80,000. And except the system were to be entirely changed, after waiting two or three weeks for information, he did not know that it would afford any satisfaction.

If the proposed addition was made, Mr. Williams said, it would only amount to 6 or 700 dollars; but if the gentleman thought they had time this session to go into a different arrangement, he would not object to it. He believed an alteration in the system was very desirable; for, he said, the loan officer of North Carolina was paid a salary of 1,700

dollars for himself and clerks, and had only received 3,500, and yet he was praying for an increase of salary!

The committee rose and had leave to sit again.

Adjourned.

Friday, January 27.

Mr. D. Foster, from the committee of claims, reported on the petitions of John Nickless, Catharine Metcalf, and William Matthews; the report was unfavourable to the petitioners, and the house concurred.

Mr. A. Foster, from the committee of enrolment, reported that the bill for enforcing the laws of the United States and in the State of Tennessee, was duly enrolled. It received the signature of the speaker accordingly.

Mr. Swanwick presented the petition of Ludwig Kuhn, praying for a re-consideration of his petition presented in 1792, and that relief may be granted.

The house then went into a committee on the subject of compensation to the officers of the United States,

Mr. Muhlenberg in the chair.

Mr. Gallatin said, he was unwilling to agree to an augmentation of the salaries of the loan officers in the manner proposed by the report. He found these officers in the state of Massachusetts and New York, had each 1500 dollars and it was proposed to add 375 to each. The present salary was equal to the district judge of New York, and 300 dollars more than the district judge of Massachusetts. It was true the business was greater in those two states than in any other in the Union; but he thought this ought to be provided for by additional clerks, though there were already five clerks in each of those offices, which called for a sum of 4,000 dollars to each office. He would, therefore, move to strike out what related to the increase of the salary of the loan officers, and confine the allowance to the clerks only.

Mr. S. Smith had no objection to the proposed amendment, or to vote against the whole clause; for, if they declined to compensate offices of the first trust, he did not see any reason for adding to the compensation of the offices in question, particularly as he perceived one cent, was already paid upon all the money received.—He had observed that men who were the most expert with their pen before they got into office, when they were placed there, laid it aside. He could not see how five clerks could be employed in those offices.

Mr. Swanwick was of opinion this business was capable of considerable reformation. He thought there were very considerable embarrassments in this department, which might be dispensed with. He did not see why this business in Philadelphia might not be transferred to the office of the treasury department. But as it would not be proper to make a proposition of this kind at present, he should satisfy himself with voting against the amendment.

Mr. Sewall said, gentlemen were mistaken when they spoke of the business of the loan offices (particularly of Massachusetts) as not having much to do. He believed the loan officer and clerks at Boston were fully employed every day, and sometimes on Sunday, so numerous and minute were their entries. The present notion he believed, was in conformity to the proceedings of yesterday, but he thought the salaries in question ought to be advanced. The proposed addition, was not as he understood, on account of additional business, but upon the same principle which had influenced advances in other cases, viz. a decrease in the value of money.

Mr. S. Smith said, that if it had been on the ground of a depreciation of money, that these salaries were proposed to be advanced, it would have applied to every officer in the Union equally with the loan officers proposed to be raised. He therefore moved to strike out the whole of the paragraph.

Mr. Varnum seconded the motion.

Mr. Ames said the gentleman from Maryland (Mr. S. Smith) had suggested that persons who were very active with their pen before they came into office, when they found themselves fixed there, were apt to put the whole of their business into the hands of clerks. The suggestion might have weight; and therefore, he should take liberty of saying, the remark did not apply as it respected the officer of Massachusetts [Mr. S. Smith said he did not allude to any particular officer] Mr. Ames said he knew he did not; but his observations might be supposed to be applicable to the officer of Massachusetts. If, indeed, the remark was applicable, it might afford good reason for withholding the proposed advance; but the loan officer of Massachusetts, he said, was a man of great industry and application, and the business of his office; required the unremitting attention of himself and clerks.

As to the state officers, he would not say whether they had, or had not, sufficient salaries; nor did he believe they always attended to the rewards given to state officers as a scale upon which to reward the officers of the United States. They had set out upon a scale of their own at the commencement of the government; but what was an adequate salary then, was not so now; and the business of the loan offices was so far from being diminished, it was continually increasing. In Massachusetts in particular, since the assumption of the state of debts, the business was vastly augmented. He was informed that there were upwards of two thousand accounts open in that office. Of course the adjustment of interest upon all these accounts, would require great accuracy and labour.

Observations, Mr. Ames said, which went to keep down the salaries of office, he knew were popular amongst certain descriptions of people; but he did not think this squeezing of public officers was prudent, just or honourable. He did not think the least possible sum for which an office could be executed was the wisest or best to be adopted. The true rule was, he said, that such a sum should be paid for service as was sufficient to command men of talents to perform it. Any thing below this was parsimonious and unwise.

Mr. Swanwick said, many of the difficulties which they experienced from the applications of their officers for advances of salary, arose from the source of indirect taxation. For instance, he said, if you lay an additional duty on sugar, your officers will have to pay a portion of that duty out of their salary; so, likewise, if a duty was laid upon any other article which they were in the habit of consuming. Every tax on articles of consumption necessarily increased the price of living, and the United States must pay their officers accordingly.

Mr. Swanwick said, they were apt to deceive themselves, when they charged the high price of every article of subsistence to the depreciation of money; it was chargeable, principally, to indirect taxation. Labourers who had to pay indirect taxes upon almost every thing which they consumed, were obliged to charge these taxes upon their labour; the farmer had, therefore to pay higher wages, and he in return, charged his produce accordingly. He thought therefore, we should find economy consulted, in resorting to a different plan of taxation:

Mr. Swanwick saw no particular occasion for advancing the salaries of the loan officers, whilst other officers remained at their former rate. It was true, he said, that the salaries of our officers slid imperceptibly from under their feet; for though a salary was a just compensation when granted, they were continually taking from it by taxes, since every additional tax was a deduction from the salary of every officer of the United States, and they had a just demand against government, at least, for the amount of taxes paid in this direct way upon almost every thing they purchased.—He should, however, be against granting any partial relief. Indeed, he was of opinion, this business of loans might be done upon a much more economical plan. He thought the business might very well be done at the branch banks.

Mr. Nicholas said, he frequently heard that a depreciation of money was the cause of the salaries of their officers proving incompetent; this, he allowed might have some weight, but not all that was given to it. It was notorious, he said, at the time these salaries were fixed, there was government attempting a dazzling splendour of office; but he trusted better principles were now gaining ground; he trusted they should have more satisfaction in paying their debts, than in wasting the public money in splendid salaries, and by that means giving a fictitious splendour to office, which was unfit for a government like ours. He should not say that a depreciation of money might not have had some effect, but attention should also be paid to the change in opinion which he had mentioned.

The present salaries, were not, perhaps, sufficiently high; yet, he said, in our present situation, when our commerce lay prostrate, and when we knew not whether greater difficulties might not ensue, it was not a time to think of advancing salaries. Public officers, he said, must submit to bear a share of the evils in common with others. The time was coming, and he thought would soon arrive when money would be as valuable as ever; he, therefore, would not consent to the proposed advance.

Mr. Rutherford said, he concurred with the gentleman from Massachusetts (Mr. Ames) that an ill-timed parsimony was not to be defended; but he said there was as great a difference betwixt economy and parsimony, as luxury and economy, and it was the great duty of this democratic republic, to conduct itself with economy, decency and simplicity of manners, and to part with every thing loose and

fantastical. He would refer to the gentleman's own feelings—for he acknowledged he was a man of feeling—and ask whether there were not twenty characters in Massachusetts in every way equal to the filling of their loan office, who would be ready to offer themselves for the office at the present salary, if it were vacant. Money, he said, was a precious article; the people viewed their money with a great deal of respect, and parted with it with great regret; and it was this people, he said, and not a commissioner of loans, who were to support this government, and it was **their** feelings which ought to be consulted.

Mr. Gallatin said his motion was to strike out what related to the loan officers, and to confine the proposed advance to the clerks only; but the motion from the gentleman from Maryland went to strike out the whole paragraph. He wished the committee would give them the information which they had on the subject. If there was a want of clerks in the offices mentioned, he would vote against the present motion; but, if there was no need of any addition, he would vote for it.

Mr. Dearborn did not know that he could give satisfactory information on the subject, though the committee took every means in their power to obtain it. It appeared to him that the business of the two offices of New York and Massachusetts, had become so burdensome, that it was next to impossible, without labouring day and night, and on Sundays, to do the business; and the complaints of the clerks were so general, that the committee were induced to believe it was necessary to give them additional compensation. As he passed through Boston, he saw one of the clerks of that loan office, who assured him that it was impossible to live upon the salary which he received, and that he was constantly obliged to his friends for assistance. Mr. Dearborn said, he was no friend to exorbitant salaries; but he did not think it right that they should pinch persons in their employment so much as to oblige them to trouble their friends to make up a maintenance for themselves and families.

Mr. Dearborn said, it was the opinion of the house last session that the salaries of certain officers of government should be advanced; a bill passed that house for the purpose; but from the lateness of the session, or some other cause, it did not pass the Senate. If it was necessary then to make the increase, the necessity did not exist less at present. The committee of the whole, it was true, had decided against

augmenting certain other salaries; but he considered this as a subject which would come again before the house; and he thought they must either agree to the present proposition for advancing the loan officers and their clerks, or acknowledge they did wrong last session.

Mr. S. Smith said, the observations of the gentleman from Massachusetts went to shew the propriety of an increase of the salaries of all other officers, as well as those in question. He was against singling out particular officers for an advance; if the whole were advanced together, he should not object to it. As to the 120 dollars proposed for the loan-office of Pennsylvania, he thought the office itself might be dispensed with, and the business be as well done at the treasury-office. The only reason given for the advance was the depreciation of money, and that consideration would apply equally to all the officers of the government; he should, therefore, be opposed to granting the allowance to the officers in question.

Mr. Ames said, from the turn which the debate had taken, the object became of greater importance than the mere advance of the salary of the officers in question. It became of importance to determine upon what principle the officers of government should be paid.

He did not intend to investigate the motives of gentlemen who were so desirous of keeping down the salaries of the officers of government; he could not suppose they acted from unworthy principles. It was a well-known fact, that in all popular assemblies, the disposition to withhold grants of money was notorious. Perhaps it was proper; it was doubtless a fence against wasteful expenditure, nor did he wish to break it down; but when the gentleman from Virginia called upon them to attend to the feelings of the people, he thought it was necessary to remind the committee that they ought also to attend to the interest of the people; and he believed it was for the common interest of the people, that persons selected for office should be fit and proper to fill their respective offices. And it was a fact, that from the dispersedness of the population of the country, and from other circumstances, there was great difficulty in finding suitable persons to fill the offices of government. In other countries, Mr. Ames said, where their governments had been of long standing, persons were trained up with a view to public employments; but in this country this had not been the case, and, therefore, the president found the circle, from

which to select proper characters for office, was very confined. It was, therefore, the more necessary that such an allowance should be made to officers of government as should induce fit persons to accept of them; such as (to use a vulgar, but strong expression) would *command the market*. 500 dollars, more or less, was nothing when compared with fitness for office. He said he had already laid it down as a principle, that the rate of salary should be such as to command men of talents and of character, for these the interest of the country required.

Mr. Ames said he knew the feelings of the people were soon roused when money was the object; but he was surprized the gentleman from Virginia should have attributed to gentlemen from the eastward, a desire to introduce a splendour of office into the government. This spirit, he thought, was full as likely to come from the southward as from the eastward; he thought they were as economical and as *just* in the eastern as in the southern states; and he thought the remark could have been made with as little sincerity as propriety.

Had it been understood, was it believed, said Mr. Ames, that a splendour of office had been introduced into our government? How did facts corroborate the assertion? Had their officers even stood upon an equality with others in the line of life in which they moved? Had any officer of theirs been able to lay up an estate for his family? Or were they not rather obliged to walk on foot, while those with whom they associated rode in their coaches? They were even, comparatively speaking, without a dollar, whilst gentlemen, living upon their professions, were rich. On this account, he said, there had always been an unwillingness to accept of offices of government by persons best calculated to fill them. These were facts, and he spoke them with audible voice; yet, it was wonderful, that, at a moment when their officers might be said to be in want, they were reproached with living in luxury and extravagance.

Having disposed of this subject, and given the observations upon it all the credit they deserved, he would enquire why they should expect gentlemen to undertake the offices of government, which would not allow them to live in an equally comfortable manner to that in which they had been accustomed to live? He despised the idea of endeavouring to make the people believe that their public officers lived in splendour, and on that account to hold them up to the hatred

of our citizens ; but could it be supposed, that a person who undertook a public office, should descend from that stile of living to which he had been used, because some gentlemen chose to call it splendid ? Or, was there any reason that such a man should immediately begin to eat brown bread, though heretofore he had always eaten white ?

Another suggestion had been made, that the present high price of living had been increased, and depended upon the duties on imposts, and therefore it was an evil arising from indirect taxation. Though there might be some ground for this observation, it by no means went to the extent to which it had been pushed. He would ask, for instance, whether the broad cloth upon which a coat was made, cost materially more now, than before the impost of 15 or 16 per cent. was laid upon it ? He believed not ; but every one knew that the produce of the farmer was double in price to what it was when these salaries were fixed, and they ought, therefore, to be advanced in proportion. And were the people unprepared for an advance in the salaries of the officers of government ? He believed not. He believed most of the states, on account of the increased price of living, had increased the pay of their officers. Why then, said he, should the officers of the United States be unattended to ? And were they to suppose that the advance now proposed would be a thing improper for the house to agree to, when they had last session judged a like advance a proper one ? As to the observation of the gentleman from Maryland (Mr Smith) that he did not wish to raise one officer and not another, he should take a different course from that which that gentleman proposed to adopt. He would vote for an advance of those which came before him, and do the same to others when he should have an opportunity.

Mr. Williams hoped the proposed advance would take place, as these two loan offices did three-fourths of the business of all the loan offices in the union.

Mr. Hartley said, however willing he might be to strike out what related to an additional allowance to loan officers, he should be against striking out what related to the clerks. There was great difficulty, he believed, to retain clerks. Bankers and merchants giving larger salaries, they were naturally drawn from these offices. He did not wish to give large salaries, but he wished to make them reasonable and competent.

Mr. Rutherford said he should not follow the gentleman from Massachusetts (Mr. Ames) through his field of declamation. But he seemed to have set him up in very disagreeable colours to the people, to this great confederation, and it was necessary he should say a few words in reply. He said he revered the people; he never found reason to do otherwise. He was for keeping things in their due simplicity, and by no means to add to salaries. He could not think of giving the *honey* from the *bive*, the *marrow* from the *bones* of the people. He was for holding tight the purse strings of six or seven millions of respectable people; he could not think of lavishing the precious article of money, however his caution might displease the gentleman from Massachusetts.

Mr. Nicholas said he should be sorry to dispute the point with his colleague for the honour of being noticed by the gentleman from Massachusetts; but he believed there could be little doubt that the gentleman had pointed the chief of his observations at him.

It was no unusual thing, Mr. Nicholas said, for that gentleman to make the fact, from which he chose to draw his conclusions. And he was astonished to hear that the oratorical powers for which that gentleman was famed, should have been employed upon a basis not true. For he neither had said that the eastern states had fixed the salaries of government with a view to splendour; nor that their officers were rioting in wealth, in order to insult their poverty. With respect to the original establishment of salaries, he did not know that there had been a struggle in the business. If the gentleman had a consciousness of the fact, he knew nothing of it. With respect to the present salaries, he had not said they were too high, but he had doubted their being sufficient. He had said, indeed, that when the offices were established, they were established with too great a view to splendour; but, that from the change which had taken place in the value of money, instead of riding in coaches, their officers had learnt to be satisfied without them. This difference (as he had before observed) was not, he believed, more owing to the change which had taken place in the value of money, than to a change of public opinion in favour of that plainness of manners which was so well suited to the republican character.

Mr. Nicholas asked, where they were to get the money now wanted, viz. an annual sum of 1,400,000 dollars? He knew pretty well the taxation which the people of this coun-

try would be inclined to bear, and he knew that the raising of that sum would be very sensibly felt. Did gentlemen rely, he asked, upon the small majority of ten votes, on the passing of a system of direct taxation? He believed there was great danger, when the bill came in, that the manner of collecting the tax could not be made agreeable to at least that number of members who voted for a bill to be brought in. Had not the gentleman from Massachusetts resisted taxation? He had, and though the opposers of the system of direct taxes had been frequently called upon to produce their substitutes for a direct tax, no substitute had been brought forward, except that produced by the gentleman from South Carolina; and he believed the secretary of the treasury had given it as his opinion, that a very small sum only could be raised from a farther extension of indirect taxes, if prudence did not forbid the attempt. As he wished, therefore, for expenses to follow, and not precede the funds which were to pay them, he should be opposed to all increase of expense which could be avoided.

Mr. Nicholas said he was not sensible of the difference which existed between the country which the gentleman from Massachusetts came from and his own. He desired that gentleman to shew any part of the country, in which greater economy was practised, or where the revenue and expenditure were better attended to. It was so much so, that the debt, which had given the gentleman ground to make his antiquated charge, had been extinguished: no part of the United States paid more respect to its engagements, nor had better ability to pay their debts. He did not, therefore, feel the gentleman's insinuation, though he had condescended to answer it.—He denied the truth of it.

Mr. Swanwick said, he should not have rose again on this subject, had he not wished to have made a single remark on what had fallen from the gentleman from Massachusetts (Mr. Ames) on the subject of indirect taxes. That gentleman had said, suppose broad cloth paid 15 or 16 per cent. impost, would it materially affect the price of a coat? If it did not, Mr. Swanwick said, there must be something very wrong in the commercial system; for certainly a duty of 15 or 16 per cent. with the profits upon it, would not make a difference of much less than 25 per cent. The gentleman seemed to think that indirect taxes had not much effect upon salaries; but that the price of living was what principally called for an advance of salaries. But if he had traced indirect taxa-

tion to its source, he would have found that it operated more than he was aware of, upon every necessary of life. The house in which we live, said Mr. Swanwick, is an object of labour, and the person who built it did not fail to charge the taxes which he paid, upon his labour, and the owner of the house would of course be obliged to lay a rent accordingly, So with respect to the produce from the country. The farmer pays 25 per cent. more than he used to do for every article he purchases, and for his labour, and he must therefore increase the price of his produce. Whilst the farmer finds a ready market for his articles, he does not feel this ; but whenever markets fall (and he did not think they would always remain so high as at present) then the farmer will feel the evil of indirect taxes. He thought it necessary to make this remark upon the sentiment to which he had alluded.

Mr. Dayton (the speaker) said, that the question before them seemed to him to be a fitter subject for cool, dispassionate calculation, than for animated declamation, which rather unfitted than prepared the mind for a right decision. The arguments of those gentlemen who advocated the increase of the salaries of the two loan officers in question, were of two kinds, viz. the greatly enhanced price of every article of consumption, and the increased duties in the offices respectively. As to the former, if it was to have any influence, it should operate more generally, and instead of producing this partial provision, should lead to an augmentation of the compensations of all the commissioners of loans, whose salaries were determined at the same time. In respect to the other reason which had been assigned, viz. the accumulation of duties, he viewed it as rather calling upon congress to adjust the whole scale of compensations anew, than to take up the subject in the partial manner that it appeared before them. If, Mr. Dayton said, it were true that the duties in some offices were increased, it would certainly follow that those of other offices were diminished in like proportion ; and if, as some of the advocates for the proposed augmentation argued, the sum of labour, duty and risk were to be the measure of compensation, then the salaries must be diminished in the one case, whilst they were augmented in the other. More than half of the interest of the public debt was paid at the treasury of the United States, and it was well known that the general current of transfers, instead of setting from the treasury to the different loan offices and thus adding to their business, had taken an opposite direction, and thus considera-

bly lessened it. He would not be understood to say, that the salaries were in every instance adequate, but on the contrary he believed that they were in some cases too low, and in others (particularly where perquisites were annexed) that they were exorbitantly high, and of course that a strict examination should be had, and a new scale adjusted, which would render compensations more adequate and equal, without any additional expense to the public. Whilst he was upon the floor, Mr. Dayton said that he should take the liberty of correcting the error into which several gentlemen had fallen, who had adduced the sums paid at each office, as the evidence of the relative quantum of business and of risk. The payment of ten cents was, he said, as troublesome, and required as many receipts and as much writing as ten dollars, and therefore not the sums paid, but the number of payments, would afford the only just criterion for ascertaining the relative extent of business. As to the risk of cash-keeping, to which it was said they who paid most were most subjected, it would be remembered, that the loan officers residing in the great cities were entirely freed from it by the agency of the banks, which were always for them sure places of deposit, and the cashiers were their paymasters. They, therefore, who were thus situated, incurred less risk and trouble in the payment of two hundred thousand dollars, than other loan officers who resided in country towns not possessing the same advantages, incurred by the charge of safe-keeping and payment of twenty thousand dollars only. In short, Mr. Dayton said, every argument which had been used, tended in his opinion to prove the impolicy and inequality which would be the inevitable consequence of the adoption of this part of the report, which he hoped would not be agreed to.

The question for striking out the clause was put and carried, 61 being in favour of it.

The committee rose and reported the amendments, when the house took them up. The first being under consideration.

Mr. W. Lyman moved to strike out the whole clause. He should not repeat his reasons for this motion, as he had before stated his objections to this clause to the committee. He would mention one observation which had not been noticed by any one, which was, that the attorney general was not precluded from doing any other business, which was not the case with the other officers of government. So far

from the appointment, being an injury to him as a professional man, he believed it was the greatest recommendation which he could have, particularly to strangers who would conclude they might safely trust one whom government had thus distinguished. He thought, therefore, that there was no argument in favour of advancing his salary, which would not equally apply to every other officer of government. This, he said, was an unfortunate time to propose an advance of salaries, when the revenues were so much embarrassed; but if this was not the case, he believed things would soon return to their former situation, and the rate of living become as reasonable as heretofore.

Mr. Nicholas said he had no connection with this gentleman which would induce him to wish for an advance of his salary, if he were not convinced it was just and reasonable. He knew, from certain information, that when the receipts of his private business were added to his salary, they did not make his income equal to the other heads of departments.

Mr. Murray said, the remarks of the gentleman from Massachusetts had truly thrown great light upon the subject. It had been made, he believed, fifty times; it was neither any thing new or striking. The experience of two gentlemen, who had filled the office of attorney general, Mr. Murray said, was a very important one; the attorney general had not only to decide upon questions put to him by the President of the United States, but also by Congress. The report which he made last session, a copy of which had been called for this session, was alone worth one half of his salary to any bookfeller; yet this was extra business, and they were frequently calling upon him for reports.

The attorney general, he said, ought not only to have an increase of salary, but also an office, and a clerk, if not a door-keeper; for he was obliged to keep a servant to return answers to messages sent to him. He hoped the motion would not prevail. They were not, he said, to expect petitions from these officers for advances to their salaries; such a thing might, perhaps, be gratifying to some gentlemen, but, he thought, it would not be very honourable to the government.

Mr. S. Smith thought his colleague had not sufficiently attended to the arguments of the gentleman from Massachusetts. He had said he might do other business; by which, he supposed he meant he might keep a shop, or turn broker!

Mr. Sitgreaves called for the yeas, and nays on the question to strike out the following words, viz. "That, in the opinion of the committee, the compensations allowed by law, to the secretary at war, and the attorney general, ought to be augmented, by an additional compensation of five hundred dollars, per annum, to each of the said officers; and to commence on the first day of January, one thousand seven hundred and ninety seven."

It passed in the negative, { Ayes 39.
 { Noes 49.

Those who voted in the affirmative, are,

Thomas Blount,	Aaron Kitchell,
Nathan Bryan,	Matthew Locke,
Samuel J. Cabell,	William Lyman,
Thomas Claiborne,	Samuel Maclay,
John Clopton,	Nathaniel Macon,
Isaac Coles,	John Milledge,
William Findley,	Anthony New,
Jesse Franklin,	Alexander D. Orr,
Albert Gallatin,	Josiah Parker,
William B. Giles,	Robert Rutherford,
James Gillespie,	John S. Sherburne,
Andrew Gregg,	Tompson J. Skinner,
William B. Grove,	Jeremiah Smith,
George Hancock,	William Strudwick,
John Hathorn,	John Swanwick,
Jonathan N. Havens,	Mark Thomson,
Thomas Henderson,	Joseph B. Varnum,
James Holland,	Abraham Venable, and
Andrew Jackson,	Richard Winn.
George Jackson,	

Those who voted in the negative, are,

Fisher Ames,	William Cooper,
Theodorus Bailey,	William Craik,
Abraham Baldwin,	Samuel W. Dana,
Theophilus Bradbury,	James Davenport,
Daniel Buck,	Henry Dearborn,
Demsey Burges,	George Dent,
Gabriel Christie,	Abiel Foster,
Joshua Coit,	Dwight Foster,

Nathaniel Freeman, jun.	John Reed,
Ezekiel Gilbert,	John Richards,
Henry Glen,	Samuel Sewall,
Chauncey Goodrich,	Samuel Sitgreaves,
Roger Grifwold,	Nathaniel Smith,
Carter B. Harrison,	Israel Smith,
Thomas Hartley,	Isaac Smith,
William Hindman,	Samuel Smith,
John Wilkes Kittera,	William Smith,
Samuel Lyman,	Richard Sprigg, jun.
Andrew Moore,	Zephaniah Swift,
Frederick A. Muhlenberg,	George Thatcher,
William Vans Murray,	Richard Thomas,
John Nicholas,	John E. Van Allen,
John Page,	Peleg Wadsworth, and
John Patten,	John Williams.
Elisba R. Potter,	

And then the question being taken, that the house do agree with the committee of the whole house, in their amendment to the said first clause, for striking out the words " Secretary at war, and."

It was resolved in the affirmative { Ayes 51.
Noes 39.

Those who voted in the affirmative, are,

Theodorus Bailey,	William B. Grove,
Abraham Baldwin,	Wade Hampton,
Thomas Blount,	George Hancock,
Nathan Bryan,	Carter B. Harrison,
Daniel Buck,	John Hathorn,
Demsey Burges,	Jonathan N. Havens,
Samuel J. Cabell,	Thomas Henderson,
Thomas Claiborne,	James Holland,
John Clopton,	Andrew Jackson,
Isaac Coles,	George Jackson,
William Findley,	Aaron Kitchell,
Jesse Franklin,	Matthew Locke,
Nathaniel Freeman, jun.	William Lyman,
Albert Gallatin,	Samuel Maclay,
William B. Giles,	Nathaniel Macon,
James Gillespie,	John Milledge,
Andrew Gregg,	Andrew Moore,

Frederick A. Muhlenberg,
 Anthony New,
 Alexander D. Orr,
 Josiah Parker,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Tompson J. Skinner,
 Ifrael Smith,

William Strudwick,
 John Swanwick,
 George Thatcher,
 Richard Thomas,
 Mark Tompson,
 Joseph B. Varnum,
 Abraham Venable, and
 Richard Winn.

Those who voted in the negative, are,

Fisher Ames,
 Theophilus Bradbury,
 Gabriel Christie,
 Joshua Coit,
 William Cooper,
 William Craik,
 Samuel W. Dana,
 James Davenport,
 Henry Dearborn,
 George Dent,
 Abiel Foster,
 Dwight Foster,
 Ezekiel Gilbert,
 Henry Glen,
 Chauncey Goodrich,
 Roger Griswold,
 Robert Goodloe Harper,
 Thomas Hartley,
 William Hindman,
 John Wilkes Kittera,

Samuel Lyman,
 William Vans Murray,
 John Nicholas,
 John Page,
 John Patten,
 Elifha R. Potter,
 John Reed,
 Samuel Sewall,
 Samuel Sitgreaves,
 Jeremiah Smith,
 Nathaniel Smith,
 Isaac Smith,
 Samuel Smith,
 William Smith,
 Richard Sprigg, jun.
 Zephaniah Swift,
 John E. Van Allen,
 Peleg Wadsworth, and
 John Williams.

The next amendment reported by the committee of the whole house, for striking out the second clause of the said report, in the words following, to wit :—" That, in the opinion of the committee, an addition of salary, for the year one thousand seven hundred and ninety seven, ought to be allowed to each of the following officers, viz : The secretary of state, the secretary of the treasury, the secretary of the department of War, the attorney general, the postmaster general, the treasurer, the comptroller of the treasury, the commissioner of the revenue, the auditor, the register, the assistant postmaster general, and the keeper of military

stores ; and that such addition of salary, ought to be at the rate of twenty-five per cent. on the amount of the present compensation allowed by law, to each of the said officers, respectively," which was about to be put, when

Mr. Murray said, though he wished not implicit confidence to be placed in the opinion of the President, yet he thought his having recommended this subject to their consideration, ought to have some weight. No gentleman, he believed, would say, that 3,500 dollars was too high a salary for the heads of departments in 1789, when they were settled. The secretary of war, indeed, had only 3,000. He believed if gentlemen compared the value of money now to the value of it then, it would be found that a sum would not purchase more than one half now of what it would then have purchased. It was a dull thing, from having been so often repeated, to say that every necessary of life was advanced from 50 to 100 per cent. and house rent in the same ratio. So that in fact, a salary of 3,500 dollars now, is only half what it was when it was fixed. And gentlemen from distant parts of the country, who think 3,500 dollars a handsome sum for an annual income with them, when they recollect the price of living in Philadelphia, will at once see its inadequacy for a decent living for the officers of the heads of departments of our Government.

The consequence of this lowness of salary, Mr. Murray said, was, either the officers leave their situations, or encroach upon their on private fortunes. This, he said, was discouraging to the pride of character. You, by this means, said he, put men in a dangerous situation. You do more, you set a precedent for a future congress. At present you have men of honour, but, by this means, you may retrograde the character of office ; you may drive first one corps of gentlemen from office and then another, until you force the President into the situation of filling the public offices with such persons as shall be willing to accept them, and not with such as shall be most fit to fill them. And what, said Mr. Murray, would you get in exchange for men of real pride of character ? You would get men who would get men who would re-echo the sentiment which was frequently seen in the papers, and which was sometimes heard in that house, that there was a republican mode of life ! that it became a republican government, that their public officers should live with great economy, and with great austerity of life. You would meet with men also who

would re-echo this sentiment, and who would live in the greatest stile of simplicity ; but you would mostly find lurking under this character designs of the basest kind ; and, as a reward for this kind of penance, they would probably take care of themselves. He believed this would be the result, hypocrites would take the place of men of talents, and the public officers of government would become contemptible. The President of the United States would, of course, be chosen from amongst the highest characters in the nation, because chosen by the people at large, and because the salary is not contemptible ; but the executive would become low in estimation ; and by degrees, such a conduct would go near to oversetting the government itself. Mr. Murray therefore cautioned the house against a refusal to advance the salaries before them.

The Question was then put and agreed to, { Ayes 57
Noes 32

Those who voted in the affirmative, are,

Theodorus Bailey,
Abraham Baldwin,
Thomas Blount,
Nathan Bryan,
Daniel Buck,
Demsey Burges,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Isaac Coles,
Samuel W. Dana,
William Findley,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
William B. Giles,
James Gillespie,
Christopher Greenup,
Andrew Gregg,
William B. Grove,
Wade Hampton,
George Hancock,
Carter B. Harrison,

John Hathorn,
Jonathan N. Havens,
Thomas Henderson,
James Holland,
Andrew Jackson,
George Jackson,
Aaron Kitchell,
Matthew Locke,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
John Milledge,
Andrew Moore,
Anthony New,
John Nicholas,
Alexander D. Orr,
Josiah Parker,
John Patten,
Elisba R. Potter,
John Richards,
Robert Rutherford,
John S. Sherburne,
Tompson J. Skinner,
Israel Smith,

Richard Sprigg, jun.
William Strudwick,
John Swanwick.
George Thatcher,
Richard Thomas,

Mark Thomson,
Joseph B. Varnum,
Abraham Venable, and
Richard Winn.

Those who voted in the negative, are,

Fisher Ames,
Theophilus Bradbury,
Joshua Coit,
William Cooper,
William Craik,
Henry Dearborn,
George Dent,
Abiel Foster,
Dwight Foster,
Ezekiel Gilbert,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
Thomas Hartley,
William Hindman,

John Wilkes Kittera,
Samuel Lyman,
Francis Malbone,
William Vans Murray,
John Page,
John Reed,
Samuel Sewall,
Samuel Sitgreaves,
Jeremiah Smith,
Isaac Smith,
Samuel Smith,
William Smith,
Zephaniah Swift,
John E. Van Allen,
Peleg Wadsworth, and
John Williams.

The last amendment reported by the committee of the whole House, for striking out the last clause of the said report, in the words following, to wit:—"That in the opinion of the committee, an additional compensation ought to be made for the year one thousand seven hundred and ninety seven, to each of the loan officers of the states of Massachusetts and New-York; and that each of the said officers ought to be allowed the farther sum of three hundred and seventy-five dollars, for the present year: and likewise, three hundred dollars, to be distributed, at their discretion, among the clerks in their respective offices, in addition to the compensations heretofore allowed by law, to the said clerks;—and that the sum of one hundred and twenty dollars, ought to be allowed to the loan officer of the state of Pennsylvania, to be, in like manner, distributed among the clerks in his office, for the present year," was, on the question put thereupon, agreed to by the House,

Yeas	60
Nays	27

Those who voted in the affirmative are,

Theodorus Bailey,	Andrew Jackson,
Abraham Baldwin,	George Jackson,
Thomas Blount,	Aaron Kitchell,
Nathan Bryan,	Matthew Locke,
Daniel Buck,	William Lyman,
Demsey Burges,	Samuel Maclay,
Samuel J. Cabell,	Nathaniel Macon,
Gabriel Christie,	John Milledge,
Thomas Claiborne,	Andrew Moore,
John Clopton,	Anthony New,
Joshua Coit,	John Nicholas,
Isaac Coles,	Alexander D. Orr,
Samuel W. Dana,	Josiah Parker,
George Dent,	John Reed,
William Findley,	John Richards,
Jesse Franklin,	Robert Rutherford,
Nathaniel Freeman, jun.	Jeremiah Smith,
Albert Gallatin,	Israel Smith,
William B. Giles,	Isaac Smith,
James Gillespie,	Samuel Smith,
Christopher Greenup,	Richard Sprigg, jun.
Andrew Gregg,	William Strudwick,
William B. Grove,	John Swanwick,
Wade Hampton,	Zephaniah Swift,
George Hancock,	George Thatcher,
Carter B. Harrison,	Richard Thomas,
John Hathorn,	Mark Thomson,
Jonathan N. Havens,	Joseph B. Varnum,
Thomas Henderson,	Abraham Venable, and
James Holland,	Richard Winn.

Those who voted in the negative are,

Fisher Ames,	John Wilkes Kittera,
Theophilus Bradbury,	Samuel Lyman,
William Craik,	Francis Malbone,
Henry Dearborn,	William Vans Murray,
Abiel Foster,	John Page,
Dwight Foster,	John Patten,
Ezekiel Gilbert,	Samuel Sewall,
Henry Glen,	John S. Sherburne,
Chauncey Goodrich,	Samuel Sitgreaves,
Roger Grifwold,	William Smith,
Robert Goodloe Harper,	John E. Van Allen,
Thomas Hartley,	Peleg Wadsworth, and
William Hindman,	John Williams.

And then, the main question being taken, that the House do agree with the committee of the whole House, in the said report, amended to read as followeth :

“ That, in the opinion of the committee, the compensation allowed by law, to the Attorney General, ought to be augmented, by an additional compensation of five hundred dollars, per annum, and to commence on the first day of January, one thousand seven hundred and ninety seven.”

“ That, in the opinion of the committee, the act, intituled “ An act to regulate the compensation of clerks,” passed the thirtieth of May, one thousand seven hundred and ninety six, ought to be continued during the year one thousand seven hundred and ninety-seven, and no longer.” On a division of House, it was resolved in the affirmative,

Ayes	45
Noes	34

Ordered, that a bill or bills be brought in, pursuant to the said report, as amended, and that Mr. Dearborn, Mr. Page, and Mr. Davenport, do prepare and bring in the same.

The House resolved itself into a committee of the whole on the subject of appropriations for the year 1797, Mr. Dent in the chair, when the article which relates to the contingent expences of the two branches of the legislature, amounting to 12,000 dollars, being read,

Mr. Baldwin said he had often before made the remark, and he thought it not unseasonable now to repeat it, that the House was too apt to be merely formal and superficial in passing on the general estimate for the year. He was sorry to observe that this item had within this year or two been considerably increased; he believed the price of wood, stationary, and other articles purchased for the session, was now much the same as in 1795, though the printer's bills might be higher, yet as the session would be but three months, he thought the sum allowed for 1795 would be sufficient. He had always thought this charge for the contingencies of the two Houses, one of the strongest instances of that kind of loose economy which, it has been complained, and perhaps with too much justice, pervades all the operations of the Federal Government—we have often been reminded that to make an expedition into the woods to an Indian town—or to build a frigate—or to coin one hundred tons of copper, costs us a great deal more than it ever did any other government in this country. If this is a strong in-

stance of that stile of economy, let us begin the reformation with ourselves, and not be so prodigal this year in our contingent expence; our circumstances call on us for greater attention to economy. He was sensible the place for correcting these evils was ordinarily on passing the law authorizing the expence, and not on the appropriation for the payment of it; but this item and many others depended on no law—changing the sum in the estimate will controul the expence. If any one will take the trouble of looking over the vouchers on which these accounts have been settled for past years, he will see that there is room for more economy. One branch of the Legislature consists of about 30 members—4000 dollars is a great sum for the purchase of their wood, quills and paper, and for furnishing them with copies of the business under consideration. Is it possible that 12,000 dollars can be necessary for the two houses?—the whole yearly expences of some of the state governments do not amount to a much greater sum; he hoped this would be struck out, and the sum which was allowed for 1795, and some preceding years, be inserted.

Mr. Smith presumed the estimate was founded upon information received from the secretary of the senate and the clerk of that house. He did not conceive it would make any difference in the expenditure, whether a larger or smaller sum be appropriated; as he did not suppose the senate or that house would print the less because a less sum was appropriated. The gentleman, he said, might, by his speech, give an idea to the public that this would be a saving of so much money; but it would, in reality, make no difference.

After a few observations from other members, the question was put and negatived, 37 to 30.

The Committee then rose, and had leave to sit again.

On motion to adjourn till Monday some opposition was made to it, and a division took place, when it was carried 40 to 34.

Adjourned till Monday.

Monday, January 30.

Mr. Abiel Foster presented a petition of Bezaleel Howe, late a major in the army, praying compensation for expences incurred, and losses sustained from a derangement, owing to the act passed last session altering the Military Establishment. Referred to the Secretary at War.

Mr. Heath moved, that the petition of Alexander Fowler, presented in January 1796, and the report of the committee of claims thereon, be re-committed to that committee.—Agreed.

Mr. Clopton presented a petition of Robert Munford of Virginia, praying the liquidation of a claim of his late father, on the United States, as deputy commissary general of issues.

Mr. Macon presented a petition of John Wooton of North Carolina, praying a pension in consideration of wounds received while in the army. Referred to the committee of claims.

Mr. S. Smith from the committee appointed to bring in a bill to alter and amend the act for ascertaining and fixing the military establishment, reported a bill which was twice read, and ordered to be committed to a committee of the whole on Wednesday next.

A petition was presented from the commissioner of loans from the state of Rhode Island, which was read, and ordered to lie on the table.

A report was given in by Mr. Nicholas and read from the committee appointed to enquire into the progress made in the sale of lands North West of the river Ohio, and above the mouth of Kentucky river. The report was twice read, and referred to a committee of the whole.

A letter to the speaker from Samuel Meredith, treasurer of the United States, was read. It was accompanied by the accounts of the war department for the quarter ending December 31, 1796. Ordered to be printed.

Mr. Swanwick moved, that the committee of the whole should be discharged from the further consideration of the bill relative to certain officers, collectors of duties and tonnage, as to additional compensation. This was, that it might be referred back to the committee of commerce and manufactures. This was done accordingly.

A report was made from the committee of claims, on the petitions of Winthrop Saltenstall, Jane Adams, and David Scott. They were all negatived.

The speaker said that he had received copies for members, of the confidential communications ordered to be printed, and that he would distribute them, at the rising of the house.

Mr. Swanwick from the committee of commerce and manufactures, reported on the petition of John Robinson and others, owners of the ship Charleston. It appeared to the

committee, that no fraud was intended in the ship not being registered, and therefore recommended that the case be referred to the committee of the whole on the bill "to remit forfeitures and penalties in certain cases."

Also, on the memorial of Richard D'Cantillon and Daniel Lefferts, owners of a ship which had been sold under execution, through the want of a register, which had been lost, and a new one could not be obtained, without delivering the old one up; on account of this case, they reported the following resolution:

Resolved, That provision be made by law for granting certificates of registry, enrollment and licences, without surrendry of the old ones, in certain cases on sales, by proof of law, of any ship or vessel.

Ordered that a bill or bills be brought in accordingly by the committee of commerce and manufactures.

Mr. G. Jackson presented a memorial of Jacob Cazard, of Virginia, praying relief on a certain sum of money which he had been compelled to pay for the release of his children from captivity among the Indians, in violation of a late treaty concluded between the United States and the said Indians. It was referred to Mr. Maclay, Mr. G. Jackson, and Mr. Dana, to examine and report thereupon.

Mr. Swanwick presented the following petition.

To the President, Senate, and House of Representatives.

The PETITION and REPRESENTATION of the under-named FREEMEN,

Respectfully Sheweth :

THAT being of African descent, late inhabitants and natives of North Carolina, to you only, under God, can we apply with any hope of effect, for redress of our grievances, having been compelled to leave the state wherein we had a right of residence, as freemen liberated under the hand and seal of humane and conscientious masters, the validity of which act of justice, in restoring us to our native right of freedom, was confirmed by judgment of the Superior court of North-Carolina, wherein it was brought to trial; yet not long after this decision, a law of that state was enacted, under which men of cruel disposition, and void of just principle, received countenance and authority in violently seizing, imprisoning and selling into slavery, such as had been so emancipated; whereby

we were reduced to the necessity of separating from some of our nearest and most tender connections, and of seeking refuge in such parts of the Union where more regard is paid to the public declaration in favour of liberty and the common right of men, several hundreds under our circumstance having, in consequence of the said law, been hunted day and night, like beasts of the forest, by armed men with dogs, and made prey of as free and lawful plunder. Among others thus exposed, I Jupiter Nicholson, of Perquimons county, North-Carolina, after being set free by my master, Thomas Nicholson, and having been about two years employed as a seaman in the service of Zachary Nickson, on coming on shore, was pursued by men with dog and arms; but was favoured to escape by night to Virginia, with my wife, who was manumitted by Gabriel Cofand, where I resided about four years in the town of Portsmouth, chiefly employed in sawing boards and scantling; from thence I removed with my wife to Philadelphia, where I have been employed at times by water, working along shore, or sawing wood. I left behind me a father and mother, who were manumitted by Thomas Nicholson and Zachary Dickson; they have been since taken up with a beloved brother, and sold into cruel bondage.

I Jacob Nicholson, also of North Carolina, being set free by my master, Joseph Nicholson, but continuing to live with him till being pursued day and night I was obliged to leave my abode, sleep in the woods, and stacks in the fields, &c. to escape the hands of violent men, who, induced by the profit afforded them by law, followed this course as a business; at length by night I made my escape, leaving a mother, one child and two brothers, to see whom I dare not return.

I Job Albert, manumitted by Benjamin Albertson, who was my careful guardian to protect me from being afterwards taken and sold, providing me with a house to accommodate me and my wife, who was liberated by William Robertson; but we were night and day hunted by men armed with guns, swords and pistols, accompanied with mastiff dogs; from whose violence being one night apprehensive of immediate danger, I left my dwelling locked and barred and fastened with a chain, lying at some distance from it, while my wife was by my kind master locked up under his roof; I heard them break into my house, where not finding their prey, they got but a small booty, a handkerchief of about a dollar value, and some provisions; but not long after I was discovered and seized by Alexander Stafford, William Stafford and Thomas Creefy, who

were armed with guns and clubs : after binding me with my hands behind me, and a rope round my arms and body, they took me about four miles to Hartford prison, where I lay four weeks, suffering much for want of provision; from thence, with the assistance of a fellow-prisoner, a white man, I made my escape, and for three dollars was conveyed with my wife by a humane person, in a covered waggon by night, to Virginia, where, in the neighborhood of Portsmouth, I continued unmolested about four years, being chiefly engaged in sawing boards and blank. On being advised to move northward, I came with my wife to Philadelphia, where I have laboured for a livelihood upwards of two years, in summer mostly along shore in vessels and stores, and sawing wood in the winter—My mother was set free by Phineas Nickson, my sister by John Trueblood, and both taken up and sold into slavery, myself deprived of the consolation of seeing them, without being exposed to the like grievous oppression.

I Thomas Pritchett was set free by my master, Thomas Pritchett, who furnished me with land to raise provisions for my use, where I built myself a house, cleared a sufficient spot of woodland to produce ten bushels of corn, and the second year about fifteen, the third, had as much planted as I suppose would have produced thirty bushels; this I was obliged to leave about one month before it was fit for gathering, being threatened by Holland Lockwood, who married my said master's widow, that if I would not come and serve him, he would apprehend me, and send me to the West-Indies; Enoch Ralph also threatening to send me to gaol, and sell me for the good of the country: being thus in jeopardy, I left my little farm with my small stock and utensils, and my corn standing, and escaped by night into Virginia, where shipping myself for Boston, I was through stress of weather landed in New-York, where I served as a waiter seventeen months; but my mind being distressed on account of the situation of my wife and children, I returned to Norfolk in Virginia, with a hope of at least seeing them, if I could not obtain their freedom; but finding I was advertised in the newspaper, twenty dollars the reward for apprehending me, my dangerous situation obliged me to leave Virginia, disappointed of seeing my wife and children, coming to Philadelphia, where I resided in the employment of a waiter upwards of two years.

In addition to the hardship of our own case, as above set forth, we believe ourselves warranted, on the present occasion, in offering to your consideration the singular case of a fellow

black now confined in the gaol of this city, under sanction of the act of general government, called the Fugitive Law, as it appears to us a flagrant proof how far human beings, merely on account of colour and complexion, are through prevailing prejudice out-lawed and excluded from common justice and common humanity, by the operation of such partial laws, in support of habits and customs cruelly oppressive. This man, having been many years past manumitted by his master in North-Carolina, was under the authority of the aforementioned law of that state, sold again into slavery, and, after having served his purchaser upwards of six years, made his escape to Philadelphia, where he has resided eleven years, having a wife and four children; and by an agent of the Carolina claimer, has been lately apprehended and committed to prison, his said claimer, soon after the man's escaping from him, having advertised him, offering a reward of ten silver dollars to any person that would bring him back, or five times that sum to any person that would make due proof of his being killed, and no questions asked by whom.

We beseech your impartial attention to our hard condition, not only with respect to our personal sufferings as freemen, but as a class of that people who, distinguished by colour, are therefore, with a degrading partiality, considered by many, even of those in eminent station, as unentitled to that public justice and protection which is the great object of government. We indulge not a hope, or presume to ask for the interposition of your honourable body, beyond the extent of your constitutional power or influence, yet are willing to believe your serious, disinterested and candid consideration of the premises, under the benign impressions of equity and mercy, producing upright exertion of what is in your power, may not be without some salutary effect, both for our relief as a people, and toward the removal of obstructions to public order and well being.

If notwithstanding all that has been publicly avowed as essential principles respecting the extent of human right to freedom; notwithstanding we have had that right restored to us, so far as was in the power of those by whom we were held as slaves, we cannot claim the privilege of representation in your councils, yet we trust we may address you as fellow men, who, under God the sovereign ruler of the universe, are intrusted with the distribution of justice, for the terror of evil doers, the encouragement and protection of the innocent, not doubting that you are men of liberal minds, susceptible of benevo-

lent feelings and clear conception of rectitude, to a catholic extent, who can admit that black people (servile as their condition generally is throughout this continent) have natural affections, social and domestic attachments and sensibilities; and that therefore we may hope for a share in your sympathetic attention while we represent that the unconstitutional bondage in which multitudes of our fellows in complexion are held, is to us a subject sorrowfully affecting; for we cannot conceive their condition (more especially those who have been emancipated, and tasted the sweets of liberty, and again reduced to slavery by kidnappers and man-stealers) to be less afflicting or deplorable than the situation of citizens of the United States, captivated and enslaved through the unrighteous policy prevalent in Algiers.—We are far from considering all those who retain slaves as wilful oppressors, being well assured that numbers in the state from whence we are exiles, hold their slaves in bondage not of choice, but possessing them by inheritance, feel their minds burthened under the slavish restraint of legal impediments to doing that justice which they are convinced is due to fellow rationals.—May we not be allowed to consider this stretch of power, morally and politically, a governmental defect, if not a direct violation of the declared fundamental principles of the constitution; and finally, is not some remedy for an evil of such magnitude highly worthy of the deep enquiry and unfeigned zeal of the supreme legislative body of a free and enlightened people? Submitting our cause to God, and humbly craving your best aid and influence, as you may be favoured and directed by that wisdom which is from above, wherewith that you may be eminently dignified and rendered more conspicuously, in the view of nations, a blessing to the people you represent, is the sincere prayer of your petitioners.

JACOB NICHOLSON,

his

JUPITER † NICHOLSON,

mark

his

JOB † ALBERT,

mark

his

THOMAS † PRITCHET.

mark

Philadelphia, January 23, 1797

The petition being read,

Mr. Swanwick said, he hoped it would be referred to a select committee.

Mr. Blount hoped it would not even be received by the House. Agreeable to a law of the state of North Carolina, he said they were slaves, and could of course be seized as such.

Mr. Thatcher thought the petition ought to be referred to the committee on the fugitive law. He conceived the gentleman much mistaken in asserting these petitioners to be absolute slaves. They state that they *were* slaves, but that their masters manumitted them, and that their manumissions were sanctioned by a law of that state, but that a subsequent law of the same state subjected them to slavery; and if even there was a law that allowed them to be taken and sold into slavery again, he could not see any propriety in refusing their petition in that House—THEY CERTAINLY (said Mr. T.) ARE FREE PEOPLE. It appeared they were taken under the fugitive act, which he thought ought not to affect them; they now came and prayed the House so to model that fugitive act, as to prevent its affecting persons of their description. He therefore saw great propriety in referring their petition to the committee appointed to amend that act in another part; they could as well consider its relation to the present case. He could not see how there would be a propriety in rejecting their petition; they had an undoubted right to petition the House, and to be heard.

Mr. Swanwick was surprised at the gentleman from N. Carolina (Mr. Blount) desiring to reject this petition; he could not have thought, nor could he indulge the suspicion now, that the gentleman was so far from acknowledging the rights of man, as to prevent any class of men from petitioning. If men were aggrieved, and conceive they have claim to attention, petitioning was their sacred right, and that right should never suffer innovation; whether the House ought to grant, was another question. The subject of their petition had a claim to the attention of the House. They state they were freed from slavery, but that they were much injured under a law of the United States. If a law was ever made that bore hard on any class of people, Mr. S. hoped that the door would never be shut to their complaints. If the circumstance respecting these people was as they stated, their case was very hard. He animadverted on the atrocity of that reward of ten dollars offered for one of them if taken

alive, but that fifty should be given if found dead, and no questions asked. Was not this, he said, encouragement to put a period to that man's existence? Horrid reward! Could gentlemen hear it and not shudder?

Mr. Blount said the gentleman last up was mistaken in calling the petitioners free men; the laws of N. Carolina, as he observed before, did not suffer individuals to emancipate their slaves, and he should wish to know what evidence there was to prove these men free, and except that was proved, the house had no right to attend to the petition.

Mr. Sitgreaves, in answer to the gentleman last up, said he would reverse his question, and ask what evidence he had to prove that these men are not freemen; can he prove they are slaves? They have stated that a law has been made in N. Carolina with a view to affect their case, and bring them again into a worse slavery than before; they want to know whether they cannot obtain relief by their application to the government of the United States. Under these circumstances, Mr. S. wished to know why their petitions should not be taken into consideration. Was there any, thing in these men, he asked, that should prevent every kind of assistance being bestowed on them? Had they not an equal right to be heard with other petitioners? He hoped the house would not only give them an hearing, but afford them all the consolation of which their unfortunate case was susceptible: if the house were obliged, through a want of power to extend to the case to object compliance with the prayers. Yet he hoped it would be done with all due tenderness; before hearing them, he thought it would be exceedingly unjust to decide:—these people may produce documents sufficient to obtain favourable attention; therefore it was impossible before they were heard to conceive whether the house could constitutionally grant relief or not. He could see no impropriety in referring it; the object of referring a case was to enquire into facts, thus the committee prepared the way for discussion in the house; and why the house should refuse to deliberate and discuss this case, he knew not.

Mr. Heath was clearly convinced these people were slaves, and therefore hoped their petition would lie on the table. He would remind the gentleman, that if they undertook this business, they would soon have petitions enough of the same kind, and public business would be thereby prevented. It appeared to him to be more within the jurisdiction of the legis-

lature of that state ; indeed the United States had nothing to do with it.

Mr. Madifon said, he should be sorry to reject any petition whatever, in which it became the business of the house to attend ; but he thought this case had no claim on their attention. Yet, if it did not come within the purview of the legislative body, he thought, it might be suffered to lie on the table. He thought it a judicial case, and could obtain its due in a court of appeal in that state. If they are free by the laws of N. Carolina, they ought to apply to those laws, and have their *privilege* established. If they are slaves, the constitution gives them no hopes of being heard here. A law has been passed to prevent the owners of those slaves emancipating them ; it is therefore impossible that any relief can be granted. The petitioners are under the laws of N. Carolina, and those laws cannot be the interpreters of the laws of the United States.

Mr. Sitgreaves said, he was not prepared to deny that this petition is in the situation the gentleman from Virginia (Mr. Madifon) states ; nor was he prepared to prove that it came under the power of the general government, but he could see no kind of reason why it should not be sent to a committee, who should examine the case and report whether it required legislative interference, or whether it was a subject of judicial authority in the country whence the petitioners came. Many petitions, he said, were sent to the house, who referred them for investigation to a committee, and many had been reported as being under judicial power only, and as such been rejected here. If this underwent the same order, and should be found to be of a judicial nature, the committee would report so, and the house would honourably refuse it. This he thought the only just method.

Mr. Rutherford concurred with the gentleman from Pennsylvania, that this memorial ought to be referred to a committee who would report whether these people had been emancipated, according to a law of the state of N. Carolina or not. The circumstances attending this case, he said, demanded a just and full investigation, and if a law did exist either to emancipate, or send these poor people into slavery, the house would then know. He doubted not, every thing just and proper would be done, but he hoped every due respect would be paid to the petition. In short, he was assured every member in the house would wish to act consistently. This case, from the great hardships represented in the petition, applied closely to the nicest feelings of the heart, and he hoped humanity would dictate a just decision.

Mr. Gilbert hoped the petition would be referred to the committee proposed; he thought it laid claim to the humanity of the house. He thought every just satisfaction should be given, and attention paid, to every class of persons who appeal for decision to the house.

Mr. W. Smith said, the practice of a former time, in a similar case, was, that the petition was sealed up and sent back to the petitioners, *not being allowed even to remain on the files of the office.* This method, he said, ought to be pursued with respect to the present petition—It was not a matter that claimed the attention of the legislature of the United States. He thought it of such an improper nature, as to be surprised any gentleman would present a petition of the kind. These men are slaves, and, he thought, *not entitled to attention* from that body: to encourage slaves to petition the house would have a tendency to invite continual applications. Indeed it would tend to spread an alarm throughout the southern states;—it would act as an “entering wedge,” whose consequences could not be foreseen. *This is a kind of property* on which the house has no power to legislate. He hoped it would not be committed at all; it was not a proper subject for legislative attention. He was not of the opinion of some gentlemen, that the house were bound to sit on every question recommended to their notice. He thought particular attention ought to be paid to the lateness of the session: if this subject were to be considered, too much time of the house would be devoured which was much wanted on *important* business.

Mr. Thatcher said he was in favour of referring this petition. He could see no reason which had been adduced to prove the impropriety of receiving a petition from these people. The gentleman from North Carolina (M. Blount) is of the opinion, that these people being slaves, the house ought not to pay attention to their prayer. This, he said, was quite new language—a system of conduct which he never saw the house practice, and hoped he *never* should. That the house should not receive a petition without an evidence to prove it was from a free man! this was a language which opposed the constitutional freedom of every state where the declaration of rights had been made: they all declare that *every man is born equally free*, and that each have an equal right to petition if aggrieved:—this doctrine he never heard objected to.

The gentlemen from Virginia (Mr. Madison and Mr. Heath) had said it was a judicial and not a legislative question; they say the petition proves it, and that it ought not be attended to. Mr. Thatcher said he saw no proof whatever of the impropriety of the house receiving it. There might be some judicial question growing out of the case; but that was no reason, because it might possibly undergo a judicial course, that the general government were not to be petitioned. The gentleman from South Carolina (Mr. Smith) had said, "that this was a kind of property on which the house could not legislate;" but he would answer, this was a kind of property on which they *were bound* to legislate. The fugitive act could prove this authority: if petitions were not to be received they would have to legislate in the dark. It appeared plainly that these men were manumitted by their masters, and because a number of men who called themselves legislators should, after they had the actual enjoyment of their liberty, come forward and say that these men should not remain at liberty, and actually authorize their re-captivity, he thought it exceedingly unjust to deprive them of the right of petitioning to have their injuries redressed. These were a set of men on whom the fugitive law had no power, and he thought they claimed protection under the power of that house, *which always ought to lean towards FREEDOM*. Though they could not give freedom to slaves, yet he hoped gentlemen would never refuse to lend their aid *to secure FREEMEN in their rights against tyrannical imposition*.

Mr. Christie thought no part of the fugitive act operated against freedom. He thought no good could be derived from sending the petition to a committee; they could not prove whether they were slaves or not. He was much surprised any gentleman in the house should present such a petition. Mr. Christie said he was of the same opinion with the gentleman from South Carolina (Mr. Smith) that the petition ought to be *sent back again*. He hoped the gentleman from Pennsylvania (Mr. Swanwick) *would never hand such another petition into the house*.

Mr. Holland said, the gentleman from Massachusetts (Mr. Thatcher) said "the house ought to lean towards freedom." Did he mean to set all slaves at liberty, or receive petitions from all? Sure he was, that if this was received, it would not be long before the table would be filled with similar complaints, and the house might sit for no other purpose than to

hear them. It was a judicial question, and the house ought not to pretend to determine the point; why then should they take up time on it? To put an end to it he hoped it would be ordered to lie on the table.

Mr. Macon said, he had hearkened very closely to the observations of gentlemen on the subject, and could see no reason to alter his desire that it would not be committed. No man, he said, wished to encourage petitions more than himself, and no man had considered this subject more. These men could not receive any aid from the general government; but by application to the state, justice would be done them. Trials of this kind had very frequently been brought on in all the different courts of that state, and had very often ended in the freedom of slaves; the appeal was fair, and justice was done. Mr. Macon thought it a very delicate subject for the general government to act on; he hoped it would not be committed; but he should not be sorry if the proposition of a gentleman (Mr. Smith) was to take place, that it was to be sent back again.

Mr. W. Smith observed that a gentleman (Mr. Thatcher) had uttered a wish to draw these people from their state of slavery to liberty. Mr. Smith did not think they were sent there to take up the subject of emancipation. When *subjects of this kind* is brought up in the house they *ought to be deprecated as dangerous*. They tended to produce very uncomfortable circumstances.

Mr. Varnum said the petitioners had received injury under a law of the United States, (the fugitive act) and not merely a law of North Carolina, and therefore he thought they had an undoubted right to the attention of the general government if that act bore hard on them. They stated themselves to be freemen, and he did not see any opposition of force to convince the house they were not: surely it could not be said that colour alone should designate them slaves. If these people had been free, and yet were taken up under a law of the United States, and put into prison, then it appeared plainly the duty of the house to enquire whether that act had such an unjust tendency, and if it had, proper amendments should be made to it to prevent the like consequences in future. It required nothing more under that act than that the person suspected should be brought before a single magistrate, and evidence given that he is a slave, which evidence the magistrate could not know if distant from the state; the person may be a freeman, for it

would not be easy to know whether the evidence was good, at a distance from the state : the poor man is then sent to his state in slavery. Mr. Varnum hoped the house would take all possible care that freemen should not be made slaves : *to be deprived of liberty was more important than to be deprived of property.* He could not think why gentlemen should be against having the fact examined, if it appears that they are slaves the petition will of course be dismissed, but if it should appear they are free, and receive injury under the fugitive act, the United States ought to amend it, so that justice should be done.

Mr. Blount said, admitting those persons who had been taken up were sent back to North Carolina, they would then have permission to apply to any of the courts in the state for a fair trial of their plea : there are very few courts in which some negroes have not tried this cause, and obtained their liberty. He agreed with the gentleman from Massachusetts on the freedom of these men to procure their rights, it did not appear to him that they were free ; true they had been set free, but that manumission was from their masters, who had not a right to set them free without permission of the legislature.

Mr. Kitchell could not see what objection could obtain to prevent these people being heard. The question was not now whether they are or are not slaves, but it is on a law of the United States : They assert that this law does act injuriously to them ; the question is therefore whether a committee shall be appointed to enquire on the improper force of this law on the case of these men : if they are free men he said, they ought not to be sent back from the most distant part of the United States to North Carolina to have justice done them, but they ought to receive it from the general government who made the law they complain of.

Mr. Kitchell said he had not examined the force of the law on the subject, and was not prepared to decide ; there could be no evil in referring it for examination, when the committee would report their opinion of the subject and gentlemen be prepared to act on it.

On the question for receiving the petition being put, it was negatived.

Ayes 33

Noes 50

Mr. Harper laid upon the table an alteration to the resolution which he had brought forward some days ago, relative to certain annual statements of revenue being laid before the house, viz. to omit what related to a list of all the officers employed, and the compensations allowed to each, as he found it would be inconvenient to obtain such a list.

The house resolved itself into a committee of the whole, on the subject of appropriations for the year 1797, Mr. Dent in the chair, the sum estimated for the expence of the legislature being under consideration.

Mr. S. Smith moved that instead of six months, three should be inserted, as the time which congress would sit this year would not be longer than that period.

Mr. Gallatin wished the gentleman would agree to insert four, instead of three months, as he believed the whole of the money appropriated last year was expended, and there would consequently be December in last year, and January, February and December in this year to be provided for.

Mr. Sitgreaves wished to know whether the present session only was included, or whether December in the next was calculated? If the estimation extended to the next session, he thought the amendment should not take place, because there might be cause for fixing their meeting at an earlier day before they separated; or the President might convene them at an earlier day than usual if he saw occasion. If this should be the case, and the appropriation was made only for four months, embarrassment might be the consequence; but no inconvenience could arise from granting more than was wanted, as the expence was of such a nature as could readily be checked.

Mr. Nicholas concurred in opinion with the gentleman last up.

Mr. Varnum thought differently. He was not for voting for any one object more than appeared to be necessary. If, as had been supposed, the session would be longer than was at present expected, an additional appropriation might be made; but he was against locking up sums of money in too large appropriations, which might be wanted for other purposes. He thought three months would be a sufficient estimate, viz. two in this session, and one in the next.

Mr. Williams said, it would be well for the committee to consider, that the senate might sit after the house of representatives adjourned, or be called together again. He would therefore, with the motion to be confined to that house only.

The motion for striking out six and inserting four was carried.

The sums of money appropriated were altered of course.

Mr. Gallatin moved that 30,000 should be inserted in place of 34,000 dollars, for defraying the expenses of clerks of courts, jurors and witnesses, in aid of the funds arising from fines, forfeitures and penalties, and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners. 30,000 was thought sufficient last year, and it had been found so, or the secretary of the treasury would have reported a deficiency.

Mr. Greenup said this sum had vastly increased, and he wished it to be reduced lower than proposed. It was formerly 12,000, and he knew not why it should now be more.

Mr. Thatcher said it was impossible to say to 3 or 4000 dollars what would be necessary under this head. He had no objection to reduce the sum, though he could see no inconvenience which could arise from the sum remaining as it stood.

Mr. S. Smith moved that the sum might be left blank, that they might ascertain the sum necessary. Agreed.

On motion of Mr. Coit, the compensation for messengers, and office-keepers to the treasurer of the United States, the purveyor of the treasury and an assistant office keeper to the secretary of state were struck out, on the ground of their being new items.

Mr. Gallatin said, in the purveyor of the treasury's office, there was a clerk, said to be in pursuance of the act May 30th, 1796. That act, he remarked, did not make provision for any new clerk; it only gave a power to apportion a sum of money amongst the clerks then employed. He, therefore, moved to strike out that item of 500 dollars. Agreed.

Mr. Baldwin believed the item of 800 dollars for printing an edition of the laws had been copied from an old estimate, without considering that a new edition of the laws was now printing. It had been customary heretofore, he said, to print an edition of the laws at the close of every session, two copies of which were sent to every member; but as there had been a law passed for printing 5000 copies of the whole laws, he conceived there was no necessity for the item alluded to, as one edition of the laws would be sufficient.

Mr. W. Smith did not think with the gentleman from Georgia, that the item alluded to was unnecessary. He believed it was necessary there should be a small edition of the laws at the end of the session. The edition of the laws to which the gentleman had alluded, would not be out for some time, and it had been usual for members to have the laws of the session sent to them soon after adjournment. It was also necessary that the officers of the revenue, judges, &c. should have copies of the laws as soon as possible after they were passed.

Mr. Coit said there was a copy of every law printed on a sheet as soon as passed, a copy of which was laid upon the desk of each member, which he supposed was meant by this item.

Mr. Swift observed, that by a law of 3d March, 1795, 5000 copies of the laws were ordered to be printed; 4,500 of which were to be distributed amongst the different states, and the other 500 to be disposed of as may be hereafter by law directed. This edition will make four volumes; but he thought it would be convenient to have a number of the laws printed off as heretofore to make complete sets of those already in the hands of members. This, he said, would not be attended with much additional expence, as the types would be set for the other edition, and there would, therefore, only be the press work and paper to pay for. He thought the 800 dollars might be reduced to 300.

Mr. Baldwin conceived that as there were 1600 dollars in the next line for an edition of the laws of this session, the 800 in question need not to be retained. 2400 dollars appeared too much for printing the laws of one session.

Mr. Swanwick said he believed 1600 dollars would pay for printing all the laws they should pass this session.

Mr. Harper thought both editions necessary.

The question for striking out, was put and negatived, 16 only being for it.

Mr. Greenup said he found two items, 1500 dollars each, for striking Mediterranean passports. He thought one was sufficient, and moved to strike out the other. Besides he thought the expence enormous.

Mr. S. Smith said it would be necessary to preserve this item, as a very considerable revenue arose from thence. Our captains, he said, were obliged to carry one of these, and if they were not appropriated for, they could not be had.

Mr. W. Smith said, it would be seen that one of the items was for last year, which was not then appropriated for; but the expence having been incurred, must be paid.

The question was put and negatived.

Mr. Holland thought the mint establishment was of no real use to the United States; he therefore proposed to strike out the whole estimate of 10,600 dollars for that department.

This motion not being seconded, fell to the ground of course.

Mr. Coit moved to strike out 350 dollars appropriated for stationary, office rent, &c. for the governor of the territory north-west of the river Ohio.

Mr. Dayton (the speaker) thought it deserved to be considered whether this item had been before allowed.

Mr. Coit said, if it had been allowed, he doubted the propriety of it. The salaries allowed, he thought sufficiently ample, without this contingent.

Mr. Gallatin said there had always been this charge allowed heretofore, and he should therefore be against striking it out.

The question was put and negatived.

Mr. Swift believed the youngest children of the late major general Warren, were now of age, and therefore the 450 dollars, heretofore allowed them might be struck out. Agreed.

Mr. Swift made a similar motion with respect to the son of the late major general Mercer; but on its appearing that there was at least a probability he wanted yet a few months of being 21 years of age, the motion was withdrawn.

Mr. Gallatin moved that the 7000 dollars appropriated for the wages of persons employed in the mint, should be left a blank, as there was a committee on that subject, who had not yet reported. Agreed.

Mr. Gallatin said, the next head was the diplomatic department, which had been always considered as a separate subject. Indeed some inquiries would be necessary with respect to one of the items at least. He should move therefore for the committee to rise, and report that part of the estimate which had been agreed to.

Mr. W. Smith did not see any reason why the committee should rise. Any enquiry might as well be made now as at any future day. They had no law this session before them. Any extra expence of the diplomatic department

would probably come in, in the current expences of the year. He did not expect any other information on the subject. There remained to be provided for 67,900 dollars. The items were before them, and could be determined upon. It would be better to pass the whole together than to have a separate act. This estimate, he said, would be referred to the committee to bring in a bill and undergo farther discussion. He did not see why they should have a separate bill. He saw no reason for detaching this, any more than any other subject.

Mr. Greenup said information was necessary on some of the items, and he hoped the committee would rise.

Mr. Gallatin said there was a charge of 50,000 dollars for continuing the prosecution of the claims of our citizens, whose property had been captured by the belligerent powers. He wished some check to be put upon this expenditure. He wished an enquiry as to the quantum of expence required in this business. He did not think they were justified in appropriating money to a large extent, upon which there was no check but the will of the president. It would perhaps appear extraordinary, that he, who was a member of the committee of the ways and means, should want information on this subject; but this item had never come into discussion in that committee when he was present, and he believed had been introduced into the estimate as a matter of course. He therefore wished the committee to rise, and he thought it would be best to have the appropriations for this department in an act by itself.

Mr. W. Smith said, it would be recollected that in the estimate of the secretary of state last session, there was an estimate of 50,000 dollars for this subject, and that, after a full discussion, a majority of that house had agreed to it. This, therefore, had sanctioned the principle of continuing this charge. The only question was as to the quantity. If 50,000 dollars were thought too much, the sum might be struck out, and left a blank, to be filled up hereafter.

Mr. Nicholas said, he believed the house meant last session (at least he could speak for himself) to vote for a sum of money for the purpose in question, and not that they would go to any length in the business. Indeed, he should be disposed to ask for an account of the expenditure of the money they had voted last session, before he thought of voting for more. The question would now come up in a very different manner from what it did then.

Mr. Swanwick said it would be very desirable to know the success which our agents had had in Europe, in the recovery of the property of which our citizens had been despoiled, before fresh sums of money were voted on that account; because, if the speculations were to be continued, that house was concurring with the British and French in their attacks upon the property of our citizens, by thus voting away their money. If the whole of this money, he said, were to be expended upon the English lawyers, it would be an harvest for them, and it would be their interest to foment disputes betwixt the two countries. He was, therefore, in favor of the committee's rising.

Mr. Nicholas moved to strike out this item altogether.

Mr. Sewall hoped it would not be struck out. He trusted the item would be preserved. If the sum should be thought too large, it might be left a blank. It was well known agents had been employed in the business, and what the extent of the expense would be could not now be told. At any rate some sum should be appropriated.

Mr. Nicholas did not think they had information enough before them to know whether any farther sum was necessary. What had been appropriated, might prove sufficient; but if they were to go on appropriating, there could be no doubt but the expense would keep pace with their liberality in granting money.

Mr. Swanwick wished the committee to rise. They were told that the diplomatic department was to cost 107,000 dollars, from which was to be deducted the regular annual appropriation of 40,000 dollars, which left a sum of 67,000 to be provided. They had last session been called upon for 50,000 dollars to prosecute our claims against the British for their spoiliations; those spoiliations were continued, and they were now called upon for a farther sum of 50,000 dollars. He supposed, another year, since the French were now following the example of the British, in committing spoiliations on our property, 150,000 dollars would be wanted to prosecute our claims against both nations. He hoped, when this money was granted last session for adjusting the claims of our merchants, that those spoiliations would not have been continued; but they heard every day of our vessels being seized and carried into Martinique. Indeed, it would be the interest of Great Britain to prevent these claims being settled, whilst they can receive from us an annual income of 50,000 dollars.

Mr. Thatcher said, he knew of no good answered by travelling to Great Britain, France, Martinique, &c. when speaking on the present subject. It was well known, that in consequence of depredations committed on the commerce of this country, agents had been appointed in order to obtain redress; the business was in train. These facts were enough to justify the item. If it was necessary to gain information as to the sum necessary, the 50,000 dollars might be struck out, until due enquiry was made; but he would by all means preserve the item.

Mr. Sewall said, the gentleman from Pennsylvania (Mr. Swanwick) seemed to think the diplomatic department ought to be swallowed up by the war department.—Means, Mr. Sewall said, had been provided by the British treaty, for the settlement of the spoils committed upon our commerce by that nation; perhaps the same means might hereafter be agreed upon with France; but he trusted, they should never suffer our citizens to be kept in bondage in any country, for the sake of a few thousand dollars employed under the head of the diplomatic department. In his opinion, money spent in a diplomatic and peaceable way, was much better expended than in building navies and preparing for war; it was necessary government should undertake the settlement of this business, since merchants could not do it for themselves. They might indeed, if government permitted and sanctioned them, fit out letters of mark and make reprisals; but, as government had chosen a peaceable course in preference, it was desirable that they should pursue it.

Mr. Swanwick gave the gentleman from Massachusetts credit for his remark on the war and diplomatic departments. Mr. Swanwick said, he thought the diplomatic department nearly allied to the military, and that the latter naturally grew out of the former; because, if disputes were not continually engendered, these gentlemen would have nothing to do; and whilst they could receive 20,000 dollars annually for an employment of this kind, they would so contrive the business as not to want employment. And while one country received 50,000 dollars a year to be expended in law suits to adjust spoils committed upon our commerce, it would hold out inducements to other nations to use us in a similar manner, since they saw that they may do it with impunity. For his own part, he wished for peace as much as any man; but he would wish to preserve that peace with honour.

Mr. Dayton (the speaker) conceived it to be their duty, before they agreed to the item under consideration, amounting to 50,000 dollars, to consider well whether the United States were in any degree obligated to defray, from the general treasury, the expenses of prosecuting the claims in question. Without determining how far the grant of a sum, to the extent and in the words here mentioned, might be justly construed into an assumption, on the part of the government, of the charges to arise in future, there was reason to apprehend that it would be so considered. He still thought as he had thought and declared last year, that no money ought to be granted upon that principle, and that the amount contemplated was far too great upon any other principle whatever. He would therefore be in favour of striking out 50,000 dollars, and leaving a blank to be filled in the bill after the object of this expenditure had been more fully explained and understood. Mr. Dayton avowed his unwillingness to appropriate more than a tenth part of that sum for the purpose expressed. He was aware that our government might be called upon to procure, through the public agents in the West Indies and other channels, various documents and extracts from the registry or records in the courts of vice admiralty of Great Britain, which might aid the appeals prosecuting in the higher courts. Such useful and necessary papers might probably be best procured through the interference and influence of the executive of this country with its agents resident in the islands, and could not be effected for nothing.—Some expense might also attend the transmission of writs of inhibition or other processes, from the high court of admiralty to this country, and from hence to the West Indies. Those charges, he would not deny, might necessarily be incurred, and as they could not be assessed upon individuals, ought under this head to be provided for; but they would need a provision very inconsiderable indeed, when compared with the extravagant appropriation of 50,000 dollars, which he hoped would be struck out for the purpose of their introducing, in another stage of the business, a much less sum.

Mr. W. Smith hoped the question would be divided, so as to retain the item, if the sum was struck out.

The chairman declared the question not capable of a division.

The question being put for striking out the item, the votes

were for it 40, against it 39, when the chairman voting in the negative, declared the question not carried.

The question was then put for striking out the sum and carried.

Mr. Gallatin moved to strike out the words "continuing the prosecution," and insert in their place "expense relative to," in order to avoid an appearance of sanctioning a continuance in the prosecution of these claims. This amendment would also meet the ideas of the gentleman from New Jersey.

Mr. Swanwick seconded the motion; for he did not believe we should ever get so much from Britain on account of the spoliations, as would be spent in the pursuit of them.

The question was put and carried.

The committee then rose and had leave to sit again.

Adjourned.

Tuesday, January 31.

Mr. Leonard presented a petition from sundry inhabitants of the state of Massachusetts, praying for a post road between Taunton and Boston: Mr. R. Sprigg also presented a petition from the deputy post-master of Georgetown, Maryland, praying for an increase of salary;—both of which were referred to the committee of the whole on the subject of post-offices and post-roads.

Mr. Clopton presented a petition from Edward Lacey, praying for the compensation of services during the war. Referred to the committee of claims.

Mr. Gallatin presented the petition of David Jones, late chaplain to the legion of the United States, commanded by Gen. Wayne, praying that his pay may be continued till the 4th of March next, as that was the time at which he had expected to have been struck off the service, and as he had had to travel, at a great expense, near one thousand miles to his own home, from the place where he was on duty. Referred to the secretary of war.

Mr. Dwight Foster, from the committee of claims, made reports on the petitions of Elisha Gordon, John Valentine and John Curle, Henry Bower and Thomas Donallon, which were against the petitioners, and concurred in by the house.

Mr. Gilbert moved that the petition of Laurence Fonda, presented and reported upon by the secretary of the treasury, at a former session, be now referred to the committee of claims. Agreed.

A message was received from the senate, informing the house, that the president had approved and signed an act for enforcing the laws of the United States in the state of Tennessee.

Also, that they had appointed a joint committee, viz. Messrs. Sedgwick, Laurence and Read, to act in conjunction with a committee to be appointed by the house of representatives, to ascertain and fix the mode of examining the votes of the electors for president and vice president of the United States, &c. and to regulate the time and manner of administering the oaths of office to the president and vice president of the United States.

Mr. W. Smith presented a memorial from North and Vefey, merchants of Charleston, praying for a remission of duties on goods destroyed by fire.

Mr. Bryan presented petitions from Robert Sage and Thomas Hall, praying for remission of fines incurred under the revenue laws, on account of goods found on board their vessels, liable to duty, which had not been duly entered

The three last named petitions were referred to the committee of commerce and manufactures.

Mr. Henderson proposed the following resolutions to the house; he observed his reason for offering them was to bring the whole subject of indirect taxation forward at one time. The gentleman of South Carolina (Mr. Harper) had offered many articles to their attention, but not having specified these now proposed, he would move that they be referred to the committee of the whole on the subject of indirect taxation, viz.

Resolved, That there ought to be laid an additional duty of cents, per gallon, on all beer, ale and porter, imported in casks, into the United States.

Resolved, That there ought to be laid an additional duty of cents, per dozen bottles, on all beer, ale and porter, imported in bottles.

Resolved, That there ought to be laid an additional duty of cents, per pair, on every pair of boots, imported.

Resolved, That there ought to be laid an additional duty of cents, per pair, on all imported shoes and slippers of silk; and on all other shoes, slippers, clogs, and goloshoes, for men and women, per pair, cents; and on all shoes and slippers for children, cents per pair.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all fouchong and black teas.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all hyson, imperial and gunpowder teas, imported; and on all other green teas, cents per pound.

Resolved, That there ought to be laid an additional duty of cents, per hundred weight, on all unmanufactured steel.

Resolved, That there ought to be laid an additional duty of cents, per hundred weight, on all bar-iron, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all nails, imported.

Resolved, That there ought to be laid an additional duty of cents, per hundred weight, on all Glauber salts, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all manufactured tobacco, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all snuff imported

Resolved, That there ought to be laid an additional duty of cents, per pound on all cocoa, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all chocolate, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all pepper, imported.

Resolved, That there ought to be laid an additional duty of cents, per pound, on all pimento, imported.

Resolved, That there ought to be laid, a duty of cents, per pound, on all chocolate manufactured within the United States.

Resolved, That there ought to be laid a duty of cents, per pound, on all snuff manufactured within the United States.

Mr. W. Smith said, if he thought any good could be derived from the propositions, he should be glad to indulge the gentleman, but not perceiving any advantages whatever, he must oppose the reference. He had not time at present to go into the merits or demerits of these several articles: he thought they would have the injurious tendency to lead the house from the view of direct taxes, and thus lose the sub-

stance while they grasped at a shadow : it would argue that the house were to resort to imposts for revenue, when it ought to be observed that this was the most improper time that could be pointed out for an extension of that system. We have, Mr. Smith said, the secretary of the treasury's ideas on the system ; he considers, that if entered into it will not be productive, and of those he had offered, the committee of ways and means had only proposed three. We may go into it, but the time of the session now remaining being so short, we should be led into a tract which would be quite impracticable and injurious, because to no purpose whatever. If they were to be referred to a committee of the whole, they could not be considered till after those proposed by his colleague (Mr. Harper,) which had a priority.

Mr. Henderson said it was from the invitations of the gentleman just sat down, who is chairman of the committee of ways and means, that he had proposed these articles for consideration. It may well be recollected, that gentleman gave a general invitation for every gentleman who opposed direct taxation, to propose his substitute, that they might come all under view at the same time, and how could he now say those of his colleague had a priority : not one of the articles now proposed were before included. As for the idea of an abiding system, Mr. Henderson thought the other could not be preferred to this, while these articles would bear an extension of duty every way adequate to the wants of the government, without being burdensome to the people.

Mr. S. Smith thought these articles were only proposed for the purpose of defeating the report of the committee of ways and means.—They had proposed three articles of the indirect kind, which, in the view of the secretary of the treasury, were all that would bear an extension of duty. What is the object of the gentleman ? Is it to increase our own manufactories ? It appeared to him the gentleman had proposed these articles at random, without considering their merits. He presumed the revenue would be very little helped by it. He thought it a wrong time to go as far into this system as it would bear. It was the intention of gentlemen to propose a resolution, directing the secretary of the treasury to digest a plan of indirect taxation, to be brought forward at the next session, and therefore he hoped this would not be referred.

Mr. Kitchell said he could not think that his colleague would propose these resolutions to defeat the propositions before made.—He had acted consistently with his former declarations: he had been called upon, in the general invitation, to produce a substitute for direct taxation, and he had proposed those just read. Though the gentleman from Maryland says it is to destroy the other system, yet the gentleman could not say that system would be effected. Could he say that would be put in force? Mr. Kitchell thought not; he thought there was insuperable difficulties attending it, more by far than any gentleman could be aware of. Certainly then, if there is a prospect of that system not prevailing, there is wisdom in proposing a substitute;—a resort, to which to apply. He thought it ungenerous to say that this was brought forward to evade a direct tax, and he hoped that opinion would not prevail so far as to prevent committing the resolutions.

Mr. Claiborne was against the reference, not only for the reasons so ably stated by the gentleman from South Carolina (Mr. Smith) but because, if admitted they would bear very heavy on the people of the southern states, already too much burdened. At Massachusetts, New York, Philadelphia and other places where goods were landed, he said the burden may not be so great, but it was to be remembered that they were to be re-shipped, and after landed in the southern states, perhaps have much inland carriage, thus 100 per cent was added by which they became very expensive. He hoped the house would so *systemize* as to make men pay in proportion to their property. These were his honest sentiments founded on what he knew to be the interest of his constituents.

The question being here asked, the speaker answered, the question was not on the adoption of the resolutions, but their reference.

Mr. Claiborne said he had only given his reasons, to support the impropriety of them, and the natural references growing out of them, to show they ought not to be referred.

Mr. Nicholas upon this said, that he hoped gentlemen would vote in silence, since it was disorderly to enter into the merits.

At the desire of Mr. Swanwick, the resolutions were read a second time.

Mr. Gallatin said, the nature of the business was such as to exclude the house the privilege of entering into the resolutions in detail; though it was exceedingly difficult to speak on the principle of the question without; though he might be imperceptibly drawn out of the line he would wish to keep, he should speak a few words on the principle, in which he would give his reasons against the admission. It may be recollected, that the gentleman from New Jersey, some time ago, laid a resolution on the table, in general terms to institute an enquiry, what articles of foreign growth imported, and on articles manufactured within the United States, would bear an additional duty. This resolution was referred to the committee of ways and means, who had reported on it; not in a complete system, as the gentleman seems to wish, but in a manner which they considered best. Their report was referred to a committee of the whole on the subject of indirect taxation. Was it not now prejudging that system, to say it was bad, that it is not complete, but require amendment? When that system comes forward, it is in the power of gentlemen to change, retrench, or modify it with whatever alterations shall be most acceptable to the house; this was to say it was not worth notice, and if so would naturally lead to a discussion of it, although the speaker says it is out of order. Mr. Gallatin thought it was not proper to refer these resolutions to the committee of ways and means until they had the report of that committee on the subject already referred to them, under discussion, he should vote against the reference. He thought these resolutions ought not to be called a system, they were merely, a set of resolutions transcribed from the treasury book as articles of impost, without any previous consideration of the propriety or impropriety of advancing the duties on them. Mr. Gallatin said he would venture to assert the whole of them would not produce 20,000 dollars to the treasury. However he did not wish to enter into a detail in addition to the observations from the gentlemen from Maryland and South Carolina, with both of whom he agreed.

Mr. Thatcher said, if the majority of the house were already decided in favour of a direct tax, and determined to carry it into effect this session, then they were right not to refer these propositions to a committee: but he did not, like the gentleman last up, think that a majority would favor that mode of taxation. He thought it impossible to draw the necessary

supplies from a direct source, from which view he was determined in his mind to oppose that system, and apply to indirect means. The gentleman from Maryland (Mr. S. Smith) had said, that we ought not to refer them because of several which had been brought forward and not entered upon: another gentleman had said, if these were referred it would be bringing in a system, for which there was no time this session. With respect to that, he would say, if there was not time to digest an indirect system, *a fortiori* it surely could not be supposed there would that of a direct, which must certainly take much more time; the amendment of an old, which requires no new organization, could not take up that time, which was indispensibly necessary in the formation of a new one: Those gentlemen who thought otherwise must be very much mistaken. Mr. T. thought that, with the savings which may be made, a sum considerably less than twelve or thirteen hundred thousand dollars, would answer the demands of the present year. The gentleman from Virginia, says he is against the system of indirect system, because it would bear harder among the southern than the northern states: He thought it of more importance to obtain supplies for the present year, than to be weighed down by these considerations. He should forbear going into the merits of the articles at this time, it having been said by the chair it was out of order, he would only say, he should vote in favour of the references.

Mr. Swanwick said the gentleman last up, and others who spoke on the same side of the question, took it for granted, that there was no intention to carry a direct tax: why then, he would ask, was the resolution entered into the other day? what may be going on in some corners of the House he knew not, but he should not at present take it for granted, though the assertion may prove to be just. And though those gentlemen may take it for granted, that those taxes on import will produce additional revenue, yet he did not form the idea—he was far from thinking there was any certainty in it.—Mr. S. said he thought it might appear pretty plain to any gentleman, who would give himself the trouble to think, that there was a great prospect of defalcation in the revenue in the present year. We had last year a great surplussage of goods imported into the United States, by reason of which the price was brought below or at most even with the sterling cost. Is it not then a natural deduction, that the great revenue by these importations in 1796, will considerably lessen the want of the article in 1797? He had lately had some conversation with a collector on the subject, who gave it as his

fixed opinion, that the surplussage would have that effect. He thought then it might be fairly taken for granted, that there would be less revenue to be received if less goods imported. He thought it very wrong to get at the subject by this kind of a *side wind*. Believing therefore that this was not the way to get a direct tax established, to bring forward a list of indirect taxes to oppose it, he should object to the reference. Gentlemen before they opposed this system of direct taxation by introducing indirect, ought to have their minds made up first, that there would be none of this defalcation from a surplussage of goods, and also that there was no danger of our ships being taken by those powers who seem hostile to our commerce. These considerations must, at least lead gentlemen to hesitate before they press farther on the subject. 'Tis said there is no time to forward this plan, but whatever time we have, however short, said Mr. S. let us forward the plan, and make some progress, rather than merely go on copying plans already too much depended on. The gentleman from Jersey, had proposed some plan before on theatrical exhibitions, &c. which the committee of ways and means had had under consideration but had, after deliberation thought proper not yet to report, and should the house forestall that report, by proposing fresh articles? he hoped not. They have digested a plan, and have reported, which report was also recommended by the secretary of the treasury, that two or three enumerated articles are all that will, with propriety, bear additional duty. Mr. S. said there was, some time past, a kind of apostolic faith given to the secretary of the treasury, whatever he recommended was considered proper to be adopted.—He tells you now that you cannot depend upon imposts for your revenue, you must apply to direct taxes, or your revenue will be endangered. It must be recollected, that last session a resolution passed the house, instructing that officer to examine the subject and report, and now it is to be laid up in the drawer as useless—we are to think no more about it. He hoped gentlemen would pursue what they had in hand, and not refer it.

Mr. Jeremiah Smith said, gentlemen seemed to be wandering very far from the question before the house. It was not upon the principle of adopting the resolutions, but simply whether there was a propriety at some future period to consider the subject of them. He thought there was. They were told, that no gentleman should oppose a direct tax without producing another: thus no person must oppose this,

without devising another system. His opinion was, that what had been produced by the gentlemen from South Carolina and Jersey, (Mr. Harper and Mr. Henderson) were very complete substitutes for the other mode, not that he should pledge himself to vote for them and them only; he should think himself at liberty to exercise his opinion on the subject when before the house, to have the liberty of which he should now vote for committing those proposed, for future consideration.

Mr. Henderson little expected any opposition, to the resolutions when he offered them. He considered by the mode first pursued, that the two systems of direct and indirect taxation were to go hand in hand, from the invitation to offer plans: and when he considered, that his first proposition was in the hands of the committee of ways and means, before the gentleman's from South Carolina (Mr. Harper) were brought forward, he thought they ought to have been both upon equal footing. He thought if this was refused a reference, the house would not pursue an uniform line of conduct on the subject. Mr. H. thought the gentleman from Maryland, (Mr. S. Smith) had deviated from that line of candour, which ought to mark every member in that public body, when he charged him with a desire to defeat the object. Had he, said Mr. H. considered his conduct, he would see, at least in this business, it had been uniform; he had always declared his opposition to direct taxation, until he could perfectly be convinced, that every other source was deficient. He wished some revenue to be obtained this session, which could not come from a direct system. But he should refrain from going into the system. He did not know why *his* might not as well go to a committee as those proposed before, as they are of the same nature. He thought the difference very extraordinary; the merit of the case, he hoped would obtain a just decision.

Mr. S. Smith said the gentleman just sat down, had charged him with something which he did not say. It came from the member from Pennsylvania, (Mr. Gallatin). But Mr. Smith perfectly agreed with the latter gentleman, that there was no face of system on these resolutions. Mr. Gallatin had guessed that twenty thousand dollars were the utmost which could be raised from these resources. He thought that for the first six months there might be at the rate of fifty thousand dollars, but as soon as the system is understood, smuggling will begin, and put an end to it. Mr. Smith knew the imputation cast on every thing which came from mer-

chants with regard to impost. They were said to hate it. But in spite of this, he would tell the gentleman that on twelve and an half per cent. duties, for every ninety-five pounds paid into the treasury, one hundred and thirty-three pounds were paid by the public. And in the two and a half per cents where the consumer paid 6l. not 4l. of it went into the treasury, and these were on articles on which it was proposed to increase, but to no effect. This surely was not a commendable system of raising money. You have in many instances no means of coercing merchants to pay imposts. You have nothing to depend upon but their honour. The extent of the coast, and the immense number of creeks with which it was intersected, made it impossible to hinder smuggling. But in America that practice was held to be dishonorable. Britain, while this country was under her government had tried, but in vain, to hinder smuggling. All her ships of war could not prevent it. How then will the United States be able to do so? Under that government it was an object to smuggle. An augmentation of the impost would again produce the same effects. When he saw gentlemen rise in support of the reference, who had not risen on the subject of direct taxation, he was led to draw the conclusion, that these resolutions could have no other effect, than to defeat those brought in by the committee of ways and means, and to create needless delay. There can be no other end. These trifling things can raise nothing but discussion in this house, that will produce a very inconvenient stop to business. Mr. Smith insisted that the resolutions could be brought forward for *no good purpose*. He still thought so. Only four weeks of the session now remained, and no time was to be lost. The gentleman might judge of the length of discussion which the resolutions would require to go through them, by what had happened on this day. Six weeks would be requisite for them. The third article proposed by the committee, he thought, quite adequate until a more perfect system could be brought to perfection. The revenue of 1795 would be sufficient for 1797. The gentleman might indulge himself with the phantom of a revenue from that source, but let the commerce be destroyed and where would the revenue then be? He hoped a system like that would not be depended on, which was so liable to be ruined.

Mr. Holland said it may not be too late to take a necessary view of the subject. Gentlemen said that the committee of ways and means had the subject fully before them, but he

would ask would it be any harm for the House also to possess it. He, as an individual, wished to know the merits of it. It was generally allowed that revenue was wanted, and two systems had been tried for that purpose, was it not desirable to see whether the one had been sufficiently extended before the other was to be adopted. They should at least, each undergo a full and ample discussion. What gentleman had said about it, seemed to be prejudging the opinion of the committee of ways and means ; he thought there could be no impropriety to commit it, nothing could be lost by bringing it before the house, but much might possibly be gained.

Mr. Harper said he should vote against the reference, and should give his reasons in a few words ; first, because it was unnecessary, it could be brought into the view of the House at the same time those he proposed came forward, to which they had a very great affinity : there is not one of the items but would come very proper at that time, and any member may move them, but he thought them improper ; though the extension of this system may be necessary, yet it was so only to a certain degree ; this was going too much into detail ; if it could be extended at all, he thought those items before proposed would be enough, which was his second reason for opposing them. Thirdly, to go so far into *minutia* would lead the debate to too great a length for any thing to be done during the session, while the house were pressed on all sides with business of various kinds. He should even think time so precious, that 50,000 dollars would not be worth five or six days discussion for ; but on the contrary a very small revenue indeed could be drawn from this plan. He hoped the gentleman would let it lie for the present, and bring it forward at the time the house took up the subject.

Mr. Henderson again rose, but on the Speaker informing him he had spoken twice to the subject, and if he wanted to speak again, he must ask leave of the house, he did so, and obtained leave, but he only rose to ask Mr. Harper what difference there could be between the resolutions he proposed and those now proposed. Mr. Harper answered that at the time his were proposed, there was no report of the committee made, but now the subject was more forward.

Upon a division the reference was carried.

Ayes

51.

The House having entered upon the amendments of the committee of the whole on the report of the committee of Ways and Means, on the subject of appropriations for the year 1797.

Mr. Baldwin doubted the propriety of agreeing to the amendment, reducing the estimate of contingencies for the Senate, from 4,000 to 3,000 dollars, since they had not agreed to reduce the 8,000 dollars estimated for the contingencies of that house to 6,000 upon the same ratio, viz. for four months instead of six. Though he was of the same opinion as to the impropriety of appropriating too largely for these objects of expence, that he had before expressed.

Mr. Henderson hoped this amendment would be agreed to, and that the 8,000 appropriated for that house would be reduced to six.

The question was put and negatived 51 to 31.

On the question being about to be put for agreeing to the amendment for striking out the messenger and office-keeper to the treasurer of the United States, Mr. W. Smith hoped it would not be agreed to. He did not think it would be using their officers well to deprive them of a person of this kind to do their menial business.

The amendment was carried 41 to 30, and the two other amendments of a similar kind agreed to in a committee of the whole, were carried without a division.

On the question being about to be put for striking out the clerk to the purveyor of the treasury, Mr. W. Smith called for the reading of the act of last session, under which this clerk was said to be appointed. He said it appeared that the heads of department were authorized to make such provisions with respect to the compensations of the clerks as they thought proper. They had allowed, it seemed, a clerk to the purveyor of the treasury, on account of his increase of business. He believed if this had not been necessary, the secretary of the treasury would not have allowed it, as he was not remarkable for increasing assistants where there was not necessity for them. Except they knew for a certainty that the clerk was unnecessary, he thought the item ought not to be struck out.

Mr. Gallatin said, it must be remembered that the act appointing the purveyor of the treasury, gave him no clerk; and if a clerk was necessary, provision should be made by law for the purpose. By the act of last session, 4000 dollars were allowed to be distributed amongst the clerks, and three new clerks were allowed to be appointed, one of which, it appear-

ed, had been given to the purveyor of the treasury. He did believe there was no occasion for this clerk, since there was three times the business when the office was first established that there was at this time.—His particular reason for objecting to this was, because a variety of similar items appeared under the estimate for the military department, which he meant to object to when that subject came under consideration. He found there the purveyor of supplies, the superintendant of military stores, storekeeper, assistant storekeeper, four clerks, &c. all of whom were appointed for nearly the same object. He thought it improper in this indirect way to appoint officers unauthorized by law. If the purveyor were to be allowed a clerk, he should wish it to be done openly by law, and not in the way now proposed.

Mr. W. Smith did not think it a sufficient reason why this officer should not have a clerk, because he was not allowed one when the office was established, because additional business might have since made it necessary: nor because too many clerks were put down on the military establishment estimate; they had not yet passed that estimate, and if gentlemen thought any item there unnecessary, he would of course move to strike it out; they ought not to strike out the clerk under this head, because those under another were unnecessary.

The amendment was put and carried, there being 51 in favour of it.

Mr. Varnum said, he found the office keepers and messengers allowed 300 dollars. They were heretofore 250; he moved to have all of them altered to that sum. Carried 36 to 31.

Mr. Williams moved, that the several items of contingent expences in the Mint, making together 7,400 dollars, should be left blank. Agreed.

The report being gone through, Mr. Gallatin wished the resolution reported by the committee of ways and means to be read. This resolution is to the following effect. “Resolved that a sum not exceeding be appropriated, viz. for the civil list, &c.” enumerating all the different heads of expence.

Mr. Gallatin said, he should move an amendment to this resolution, which, though at first view might appear trifling, yet, on an investigation of the subject, would be found of considerable importance. The way in which the resolution now read was, that for certain purposes, “there be appropriated a sum not exceeding viz.” The amendment he meant to

propose was to strike out those words, and insert in their place, "the following sums be respectfully appropriated, viz.

Mr. G. said his object in this amendment was, that each appropriation should be specific; that it might not be supposed to be in the power of the treasury department to appropriate to one object, money which had been specifically appropriated for any other object. He did not know, he had never investigated the business, whether as to the civil list, appropriations had ever been mixed, or whether it was understood they might be so mixed; but they knew it had been officially declared that so far as related to the military department, the items had been rotally mixed: for instance, if the estimate for clothing, or any other item fell short, the officers of the treasury did not think themselves bound by that particular appropriation, but had recourse to other items, for which larger sums were granted, than there was occasion for. Such construction of the law, Mr. G. said, totally defeated the object of appropriation, and it was necessary therefore, so to express the law, that no colour for such a construction should be given. The amendment he proposed would have this effect.

Mr. W. Smith said, the amendment proposed was not of importance at present, as the particulars were entered only upon the journals. These did not go into the law to be passed; for though all the items were entered upon the journals, in the bill they were lumped in the aggregate. But as one gentleman had brought up the subject, it was necessary that the house should consider it, and say whether it was not proper, when appropriations were insufficient under the head of expence; in cases of emergency, it would be proper that the treasury should be so limited as not to take money from another head of expence, where there was a surplussage. This was a thing done heretofore, and the house knew it had been done in the military establishment. In the quarter master's department, in particular, the expences might exceed the sum appropriated, and, as the services must be performed, or the military service cease; therefore, the treasury judged they might make use of the surplus of any other head of expence to make good this deficiency. He knew not how the business could be otherwise done with convenience. With respect to the civil list establishment, it was of a more certain nature. Most of the salaries, were established by law, and therefore they could be ascertained to a certainty.

Mr. S. said, he did not mean, however to oppose the motion at present; but when the bill was brought in, it would be

necessary to determine this principle, and say, whether, if an appropriation fell short, government must stop rather than touch the surplus of any other appropriation.

The said report, as amended, was then read at the clerk's table, and on the question put thereupon, agreed to by the house, as followeth:

Resolved, That for the expenditure of the civil list; for the extra expences of foreign intercourse; for the support of the mint establishment, light houses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety seven; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the 15th of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expences of the several departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

	<i>Dolls.</i>	<i>Cts.</i>	<i>Dolls.</i>	<i>Cts.</i>
For compensation to the President of the United States,	25,000			
Ditto to the Vice-President,	-	5,000		
		<hr/>	30,000	

THE LEGISLATURE.

For compensation to the Senators, and Members of the House of Representatives, their officers and clerks, and for the contingent expences of both Houses, estimating the attendance of the whole number, for four months:

Thirty-two members of the Senate, at six dollars per day - 23,360

Speaker of the House of Representatives, at twelve dollars per day - 1,460

One hundred and five members, at six dollars per day - 76,650

Travelling expences to and from the seat of government, - 26,000

Secretary of the Senate, one year's salary, - 1,500

	<i>Dolls.</i>	<i>Cts.</i>	<i>Dolls.</i>	<i>Cts.</i>
Additional allowance, estimated for four months, at two dollars per diem - -	243	33		
	<hr/>		1,743	33
Principal clerk to the Secretary of the Senate, for three hundred and sixty-five days, at three dollars per diem - -			1,095	
Two engrossing clerks to ditto, at two dollars per day, each for three hundred and sixty-five days - - -			1,460	
Chaplain to the Senate, estimated for four months, at five hundred dollars per annum - - -			166	67
Door-keeper to the Senate, one year's salary - -			500	
Assistant door-keeper, ditto			450	
Clerk to the House of Representatives, one year's salary -	1,500			
Additional allowance, estimated for four months, at two dollars per day -	243	33		
	<hr/>		1,743	33
Principal clerk in the office of the House of Representatives, for 365 days, at three dollars per day - - -			1,095	
Two engrossing clerks, at two dollars per day each, for 365 days, - - -			1,460	
Chaplain to the House of Representatives, estimated for four months, at five hundred dollars per annum - -			166	67
Serjeant at Arms, for the same time, at four dollars per day - -			486	67
Door-keeper to the House of Representatives, one year's salary - -			500	
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	<i>Dols.</i>	<i>Cts.</i>
Assistant door-keeper, ditto - - -	450	
Expences of fire-wood, stationary, printing work, and all other contingent expences of both Houses of Congress:		
For the Senate estimate - - -	4,000	
the House of Representatives, ditto - - -	7,500	
To make good a deficiency in the appropriation for the year one thousand seven hundred and ninety-six, occasioned by the several grants of the House on the last day of the session - - -	500	
	<hr/> 8,000	
		<hr/> 12,000

THE JUDICIARY.

Compensation to the Chief Justice - -	4,000
Ditto to five Associate Judges, at 3,500 dollars each - - -	17,500
Ditto to the District Judge of Maine	1,000
Ditto - of New Hampshire - -	1,000
Ditto - of Vermont - -	800
Ditto - of Massachusetts - -	1,200
Ditto - of Rhode Island - -	1,000
Ditto - of Connecticut - -	1,000
Ditto - of New York - -	1,500
Ditto - of New Jersey - -	1,000
Ditto - of Pennsylvania - -	1,600
Ditto - of Delaware - -	1,000
Ditto - of Maryland - -	1,500
Ditto - of Virginia - -	1,800
Ditto - of Kentucky - -	1,000
Ditto - of North Carolina - -	1,500
Ditto - of Tennessee - -	800
Ditto - of South Carolina - -	1,800
Ditto - of Georgia - -	1,500

Ditto to the Attorney General

For defraying the expences of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures, and penalties; and likewise for defraying the expences of prosecutions for offences against the United States, and for safe keeping of prisoners

TREASURY DEPARTMENT.

Compensation to the Secretary of the Treasury	-	-	3,500	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			5,000	
Ditto, messenger and office-keeper			250	
			<hr/>	8,750
Compensation to the Comptroller of the Treasury	-	-	2,650	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			8,850	
Ditto of messenger and office-keeper			250	
			<hr/>	11,750
Compensation to the Auditor of the Treasury	-	-	2,400	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			9,175	
Ditto of messenger and office-keeper			250	
			<hr/>	11,825
Compensation to the Treasurer of the United States	-	-	2,400	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			2,150	
Contingent expenses of the office.—For bills of exchange, fuel, stationary, office-rent, &c.	-	-	600	
			<hr/>	5,150
Compensation to the Commissioner of the Revenue	-	-	2,400	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			2,775	
Ditto of messenger and office-keeper			250	
			<hr/>	5,425
Compensation to the Register of the Treasury	-	-	2,000	
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796			12,925	
Ditto of messengers and office-keepers			500	
			<hr/>	15,425

Compensation to the Purveyor of the Treasury		2,000
Compensation to the Secretary to the Commissioners of the Sinking Fund, from 2d April, 1796, to the 31st December, 1797, at 250 dollars per annum	- - -	
Expense of stationary, printing, and all other contingent expenses of the several offices of the Treasury:—		419 17
Secretary of the Treasury	- 500	
Comptroller of the Treasury	- 800	
Auditor of the Treasury	- 750	
Commissioner of the Revenue	- 400	
Register of the Treasury (including books for the public stocks, printing work, and books for the arrangement of the marine papers)	- 2,800	
Rent of the Treasury	- 1,200	
Ditto of a house for part of the Register's office	- 360	
Ditto of a house for the Auditor	- 600	
Ditto of a small store for public papers for the Register's office	- 133 33	
Ditto of a house for the office of the Commissioner of the Revenue, and for part of the offices of the Comptroller, Auditor and Register	- 400	
Wood for the Department (Treasurer's excepted) and other contingencies	3,500	
For the expense incident to the stating and printing the public accounts for 1797	- 1,000	
And for the payment of certain incidental and contingent expenses of the Treasury Department in the year 1796, beyond the sum which was appropriated	- 1,500	
	<hr/>	13,943 33

COMPENSATION to the several LOAN OFFICERS, viz.
For the state of

New Hampshire	650
Massachusetts	- 1,500
Rhode Island	- 600
Connecticut	- 1,000

	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>
New York -	1,500			
New Jersey -	700			
Pennsylvania -	1,500			
Delaware -	600			
Maryland -	1,000			
Virginia -	1,500			
North Carolina	1,000			
South Carolina	1,000			
Georgia -	700			
				13,250

DEPARTMENT OF STATE.

Compensation to the Secretary of State	3,500			
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act passed 30th May, 1796	4,042	64		
Ditto to office-keeper and messenger	250			
				7,792 64

Incidental and contingent Expenses :

Stationary - - - -	300			
Firewood - - - -	200			
Office rent - - - -	500			
Newspapers from the different states, about 20 at 4 dollars each -	80			
Gazettes from, and gazettes sent to American Ministers abroad -	100			
Laws of second session of the Fourth Congress, to be published in five newspapers, at 100 dollars each	500			
For printing an edition of the same, agreeably to an act of 15th September, 1789 (say) - -	800			
For printing 5000 copies of the same, agreeably to an act of 3d March, 1795 (say) - -	1,600			
For printing sea letters and safe conducts	200			
For printing patents for useful arts, including parchment - -	50			
For printing patents for lands to the Virginia line, including ditto -	300			
For printing patents in the present year, not provided for in the appropriation	425			
For striking Mediterranean passports, being done by a copperplate, including parchment and retracing the plate (say) - - -	1,500			

	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>
For ditto, struck off the present year, not provided for in the appropriation	1,500			
For translating foreign languages -	350			
For binding books for the office	100			
For the purchase of books for ditto	200			
				<hr/> 8,705

MINT OF THE UNITED STATES.

Compensation to the Director -	2,000			
Ditto Treasurer -	1,200			
Ditto Assayer -	1,500			
Ditto Chief Coiner -	1,500			
Ditto Melter and Refiner -	1,500			
Ditto Engraver -	1,200			
Ditto one clerk -	700			
Ditto two do. at 500 dollars each	1,000			
				<hr/> 10,600

WAR DEPARTMENT.

Compensation to the Secretary at War	3,000			
Ditto of clerks, agreeably to an arrange- ment for the year 1796, in pursuance of the act of 30th May, 1796	4,750			
Ditto to office-keeper and messenger	250			
				<hr/> 8,000

Contingencies of the War Office.

For stationary, wood, &c.	1,000			
For office rent -	1,000			
				<hr/> 2,000
				<hr/> 10,000

The Accountant's Office.

Compensation to the Accountant	1,600			
Ditto of clerks, agreeably to an arrangement for the year 1796, in pursuance of the act of 30th May, 1796	5,800			
Ditto to messenger and office- keeper -	250			
Contingencies -	600			
				<hr/> 8,250
				<hr/> 18,250

SURVEYOR GENERAL'S DEPARTMENT.

Compensation to the Surveyor General 2,000

Towards carrying into effect the surveys to be made by the act, entitled, "An act providing for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river," in which it is prescribed by the 10th section, that the president of the United States may fix the compensation of the assistant surveyors, chain-carriers, and axe-men, &c. 25,000

27,000

GOVERNMENT of the TERRITORY

North-west of the river Ohio.

Governor, for his salary as such, and for discharging the duties of superintendent of Indian affairs, northern department - - 2,000

Secretary of said district - - 750

Three Judges, at 800 dollars each 2,400

Stationary, office-rent, &c. - 350

5,500

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie -

3,000

PAYMENT of ANNUITIES and GRANTS.

Isaac Van Vort, } Each a pension of 200
John Paulding, } dollars per annum,
David Williams, } pursuant to an act
of Congress of the 25th November,
1780 - - - 600

Dominique L'Eglise, per act of Congress of 8th August, 1782 - 120

John Traverse, per act of Congress of 8th August, 1782 - 120

Samuel McKenzie, } Per act of 10th
Joseph Bruffels, } Sept. 1783, entitled to a pension
John Jordan, }

	Dols.	Cts.	Dols.	Cts.
of 40 dollars each - -	120			
Elizabeth Bergen, per act of 21st Au- gust, 1781, - -	53	33		
Joseph De Beauleau, per act of 5th August, 1782 - -	100			
	<hr/>		1,113	33
Annual allowance to the widow and or- phan children of Colonel John Hard- ing, per act of 27th February, 1793	450			
Ditto to the orphan children of Major Alexander Trueman, per act of 27th February, 1793 - -	300			
Ditto for the education of Hugh Mer- cer, son of the late Major-general Mercer, per act of Congress of 2d March, 1793 - -	400			
	<hr/>		1,150	

MINT ESTABLISHMENT.

For the wages of persons employed in the mint, at the different branches of refining, melting, carpenter's, millwright's, and smith's work, including the sum of 800 dollars per annum allowed to an assistant coiner and die forger, who also oversees the execution of the iron-work - -

Incidental and contingent expenses and repairs.
Repairs of furnaces, cost of rollers and screws, timber, bar-iron, &c. for blacksmith, millwright and machinery work
Wood and coals used in the works -
Lead, steel, pot-ash, vitriol, aqua fortis, oil, candles, tallow, and a variety of other articles necessary for the establishment - -
Melting pots, crucibles, and muffles
Ironmongery - -
Hay and corn for five horses, and the probable expense of one -
Stationary, fire-wood, &c. for the different offices of the mint -

DIPLOMATIC DEPARTMENT.

The Secretary of State estimates the following sums necessary for defraying the expenses of foreign intercourse for the year 1797:—

For four ministers plenipotentiary at 9,000	-	-	-	36,000
Four secretaries to ditto at 1,350				5,400
One minister resident	-			4,500
Outfit of a minister plenipotentiary to the French Republic in 1796				9,000
Contingent expenses of the ministers, others than those which are personal	-	-	-	3,000
Expenses relative to the claims of our citizens, whose property has been captured by the belligerent powers	-	-	-	

Deduct the annual appropriation, agreeably to the act of Congress, passed the 1st of July, 1790, entitled, "An act providing the means of intercourse between the United States and foreign nations"	-			40,000
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Remains to be provided for -

<i>For the support of Light-houses, &c.</i>				
For the maintenance and support of light-houses, beacons, buoys, and public piers, and stakeage of channels, bars and shoals, and for occasional improvement in the construction of lanterns, and of the lamps and materials used in them	-			24,000
For the repairs requisite at Reedy-Island, and the oil-vault, &c. at Cape Henlopen	-	-	-	4,500
To complete the payments for building a light-house on Baldhead, in North Carolina	-	-	-	1,359 14
To make good a deficiency from the balance of 13,000 dollars, granted				

for building a light-house on Montock-point, being carried to the credit of the "Surplus Fund," as per page 80 of the public printed accounts for the year 1795, in pursuance of the 16th section of the act passed 3d March, 1795 13,000

And for this sum in addition,

being to enable a full payment of the claims for building the said light-house - - -

2,740 67

15,740 67

45,599 81

MISCELLANEOUS CLAIMS.

For to satisfy miscellaneous claims.

For the payment of the representatives of Samuel Patterson, late Commissioner of the Loan-office, for the state of Delaware, balance due to the deceased, on the final adjustment of his Loan-office accounts under the late government, by the Accounting Officers of the Treasury -

272 89

For this sum being a balance found due to James O'Hara, late Agent for the Quartermaster's department, according to a settlement of his account at the Treasury - - -

235 81

For this sum, being a balance found due to Timothy Pickering, as commissioner appointed to hold the Indian treaties at Konondaigua and Oneida - - -

3,463 12

For compensation to persons employed in bearing votes to the seat of government, for electors of the President and Vice President of the United States - - -

1,600

To make good certain deficiencies arising from the balances of monies of various appropriations being carried to the credit of the "Surplus Fund," in pursuance of the 16th section of the act passed 3d March, 1795—

To the following items, being part of
the sum of 4,560 dollars 97 cents,
as per page 77 of the printed public
accounts for the present year, viz.—

For the payment of the clerks employ-
ed by the commissioner of loans,
Massachusetts, for the quarter end-
ing 30th March, 1795 - 164 70

For ditto, ditto, commissioner
of loans, New York, ditto 125

For ditto, ditto, commissioner
of loans, North Carolina 500

—789 70

On the appropriation for defray-
ing the expense of a treaty with
the Indians, north-west of the
Ohio, of 2d March, 1793—

For the payment of a balance
stated by the accountant offi-
cers of the Treasury, to be
due to Timothy Pickering,
Beverley Randolph, and Ben-
jamin Lincoln, commissioners
appointed to negotiate and
treat with the said Indians 3,247 56

—4,037 26

For the discharge of such miscellaneous
demands against the United States,
not otherwise provided for, as shall
have been admitted in a due course
of settlement at the Treasury, and
which are of a nature, according to
the usage thereof, to require pay-
ment in specie - - 2,000

—11,609 8

Ordered, That a bill or bills be brought in, pursuant to
the said report as amended; and that the committee of ways
and means do prepare and bring in the same.

Mr. W. Smith wished the house to resolve itself into a
committee of the whole on the resolution he had laid on the

table with respect to a temporary appropriation for the military and naval establishments. To shew the necessity for which he read a letter which he had received from the secretary of the treasury, on the subject.

Mr. Varnum thought there was no necessity for going into a consideration of the resolution in question. He should prefer going into a committee of the whole on the appropriations for the military and naval establishments, which might be got through in time to answer the purpose in view.

Mr. W. Smith said, if he thought with the gentlemen last up, that the business of the military and naval establishments would be so soon gone through, he would certainly be for going into the consideration; but, he said, the military establishment, was not finally fixed upon, and there were some gentlemen who had objections with respect to the naval establishment. The law after passing in that house, would have to go the senate. There might also be amendments, upon which it would be necessary to hold conferences. In the mean time, the public service might suffer for want of money to pay its workmen. The resolution which he proposed to be taken up, might be got through in a few minutes; the sum might be left blank, and it might be referred back, and a bill brought in.

The house accordingly resolved itself into a committee of the whole, Mr. Dent in the chair, on the following resolution, viz. "Resolved that the sum of be appropriated, on account of the military and naval establishments for the year 1797."

Mr. Gallatin moved to strike out the word *naval*. It might become a serious question, whether they should appropriate any more money to that object, or not; and in the mean time, if the word was struck out, that establishment would not suffer, as they were told in the late report on the subject that 24,000 dollars remained unexpended of the last appropriation. The subject would probably be determined upon before the present business was finally passed: and, if it was concluded to go on with the naval establishment, he should vote for restoring the word.

Mr. Parker said, it was nearly a month since the report on this subject had been made. 24,000 dollars were then in hand; but, by this time, he supposed it was expended, and if no more was appropriated, the workmen would be discharged, and great injury be sustained.

He trusted that house would never think of relinquishing the building of the frigates. If they meant to support any degree of consistency of character, he trusted they should go on to complete them. If not the whole, at least two of them. And if this were to be done, it was necessary now to appropriate some money. He hoped, therefore, the gentleman would withdraw his amendment.

The committee who had reported on the subject, were ready at any time to go into it, and he trusted it would be taken up in the course of a day or two, when he hoped the house would determine upon having the frigates completed as soon as possible; for if they determined to give them up altogether, they would remain monuments of their own folly, and would discover a versatility of conduct, never equalled perhaps by any deliberative body in the world.

Mr. Swanwick hoped the amendment would not prevail. Even if they determined to have no more to do with the frigates, still it would be the truest economy to finish them. But it would come very ill, Mr. Swanwick said, from the 51 gentlemen who had lately voted in favour of indirect taxes, to vote against the completion of the frigates, without which no dependance could be placed on any of their plans of taxation; he trusted, therefore, that the word *Naval* would not be struck out, but that a supply of money would be granted, and that the work would go on without interruption.

Mr. Venable said, if he understood the object of the gentleman's motion, it was not to prevent an appropriation being made for the completion of the frigates, but to have it made in the proper way. It was well known that there had been an extraordinary waste of public money on these frigates; and, whenever an appropriation came under consideration, he should wish to see the estimate, and prevent a *lumping appropriation*. When these items were seen, he should be ready to make such appropriations as should seem necessary.

Mr. Gallatin said, this great reason for objecting to the naval establishment being included with the military was this: an appropriation on account of the military establishment was made early in every session, before any estimate could be settled; but this was a sum on account of an establishment going on under authority of law, the appropriation for which was looked upon almost as a matter of form; but the naval establishment was altogether a doubtful thing. Before more money could be appropriated, there was a pre-

vious question to be settled. They knew it must cease, if that house refused to grant about 200,000 dollars more to complete the frigates now building. Until that question was decided, he should not be inclined to vote any money for that purpose; for, if they were now to appropriate a sum of money on that account, they should pledge themselves to make good the whole appropriation. And, although there might be a large majority in favour of completing the frigates, it was not according to order to vote for an object not appropriated for by law. The building of the frigates, it was true, was authorized by law, but the business was confined by an appropriation. In order to complete them, 25 per cent. more than was last year contemplated, was now wanted, and until it was decided that that sum should be appropriated, no appropriation on that account would be warranted. It was on this account he made his motion.

Mr. Swanwick said, they had not yet passed the law with respect to the military establishment. He thought the military and naval establishments were connected together, and that it would be as wise to strike out one as the other. To strike out the word in question, Mr. Swanwick said, would be like prejudging the question. Because more money was wanted, his colleague thought the subject new; but, on the contrary, he believed, that the moment they concluded to build the frigates, they determined to complete them. If they cost more than was expected, what was it different from a house costing more than was first estimated by the builder? Yet what man would stop at the second story of his house, because he had been deceived as to the expence of completing it. He thought the question was decided last session, when it was said that three frigates should be built, and it would be a little extraordinary were they now to doubt on the subject.

If the gentleman had moved to postpone the consideration of this resolution wholly, in order to wait for the subject coming before them, he should have had no particular objection to it; but he had no objection to vote for one and not the other. He thought the military establishment a constant waste of money; but he had a more favourable opinion with respect to the naval establishment. He trusted all gentlemen who supported indirect taxation would now vote for supporting a navy, since there would be no security of any revenue from that source, without a navy; but he hoped these frigates would be the means of preserving millions

to our revenue; for though it was true, these two or three frigates would not enable us to fight the whole world, yet there were multitudes of piccaroons which took our vessels at pleasure, and which these frigates would keep off our coast. But, if they were to agree to strike out the word *naval*, what, he asked, would the world think of us? He believed such a measure would encourage injuries to be played off upon us from all quarters. To attend to the military establishment, and neglect the naval, would be to add strength to strength, and leave weakness unprotected. He hoped they should not let an idea go forth to the world that their frigates were likely at last to be abandoned. If the question was now, whether they would go into a naval establishment at all, it would be a different thing from having done so much, and refusing to complete the work already in such forwardness. He trusted they should not make themselves the ridicule of the world, by withholding the necessary appropriations for completing the building these vessels.

Mr. Coit hoped the amendment would not prevail. He had himself doubts about the propriety of this navy going on; but he thought the motion should be carried as proposed.

Mr. Nicholas hoped the amendment would prevail; for though they had a law on the naval establishment, doubts were entertained whether the plan would be carried forward. He asked if it would not be more proper and more decent to pursue the course chalked out by the gentleman from Pennsylvania, than to vote for money for an object that was yet undecided upon. He said, they had a report on the subject, and a day or two would determine what they should do with respect to it. And would it not be more orderly to take up the subject from the report than to do it in this manner? He believed it would, and that an appropriation might be made at the same time with this. Though the legislature had determined to finish these frigates, gentlemen were still in doubt whether they ought to be finished. He was himself in doubt. He had last session been induced to vote for the finishing of the frigates, because so much money had already been expended; but he was now of opinion, from a farther examination into the subject, that if they were to abandon them, though the loss would be great, they should gain what would warn them from future similar folly.

Mr. Murray said, it was unnecessary for them to decide to-day or to-morrow whether this country should have a naval establishment or not. If it were determined to-morrow that there should be no establishment of this kind, it would become a question of economy whether it would not be better to finish the frigates, whatever might be the event, than to give them up to rot on the stocks. It must be known to every workman, that it is better to finish a vessel, and then sell her, than to sell her on the stocks. So that the question was not now, nor could it become so, whether there should be a navy, but whether the frigates should be finished? He hoped they would be finished. If they were not, they would become (as it had been already hinted) a monument of disgrace to the country. He trusted, however, that the frigates would not only be built, but that a dock-yard, which would prove a cradle of the navy, would also be agreed to be established.

Mr. Madison said, it was unusual and improper to make appropriations for any object before it was legalized; and if the object now in question was not legalized, he agreed with the gentleman from Pennsylvania (Mr. Gallatin) that however certain it might be that the law would pass,—before it did pass, it was not right to appropriate for that object. The law should first be before them. As he saw no evil which could arise from letting the business lie over for a few days, until the subject of the frigates had been determined upon, he should be in favour of the motion for striking out. Not meaning by this vote, to declare his unwillingness to vote for the sum necessary for completing the frigates, when that question should come before them.

Mr. Parker said, as his colleague seemed to have some doubt with respect to the legality of voting for the present resolution, he would read him an extract from the law of last session, which was as decided for building the frigates, and which bound the expense upon them as certain, as was that of the military establishment. [He read the extract alluded to.] In consequence of this law, he said, the president had pursued the business, and had expended, a month ago, all the money appropriated, except 24,000 dollars.

If it was apprehended (as he had heard it suggested that it was) that any part of the money appropriated for this object, was to go towards building a frigate at Portsmouth, in New Hampshire, he would declare the friends of this measure had no such intention. He should be as much opposed

to that as any gentleman. This money would go to the building of no other vessels than to three, which had been authorized to be finished last session, which he considered themselves as much bound to complete, as they were bound to appropriate for the military establishment. And, if money was not now appropriated, the workmen employed would have to be discharged, and a considerable loss occasioned. Indeed, he believed, the delay, and the expence with respect to these vessels, had been in a considerable degree occasioned by the versatility of that house.

Mr. Parker said, he thought now, and had always thought, that if we were determined to have no armed vessels, we had no business with commerce, since a row boat, with a gun or two, and a few men in it, was capable of taking our largest and most valuable ships. Mr. Parker said, he was for supporting the dignity of our country. He hoped we were not in a situation to be afraid of any nation. He wished to be in readiness to meet any enemy, either with frigate or bayonet, who should chuse to attack us. At present, he said, our merchants were losing their property daily, to an immense amount; indeed, many of them almost ruined by their losses; and if we suffered them thus to be ruined, he believed the farmers, and every other class of citizens, would find themselves affected by their misfortunes.

It was time, Mr. Parker said, we should put ourselves on rising ground, and provide means for the supporting of our dignity; for unless we put on this countenance, we should be degraded and insulted by all nations. He cared not who was their executive magistrate, he would support him in doing what he conceived to be right. He would, therefore, vote for every measure which went to put us into a situation of meeting any nation who might chuse to insult and attack us; he would, for this purpose, vote for direct taxes, nor should he be afraid that the people, seeing the necessity, would not cheerfully pay them.

Mr. Isaac Smith was against the amendment. He trusted they should not, by withholding the necessary appropriations, suffer the workmen now employed upon the frigates, to be discharged; but that they would be proceeded with to their completion. Economy should always be the order of the day, and if they were at last suffered to rot after so much forwardness, it would argue a great want of economy. It was said, the business was begun in folly; but, if they were now to be abandoned, it would end in greater.

Mr. W. Smith was surprized the gentleman from Virginia (Mr. Madison) should have said an appropriation on this subject would not be authorized by law [Mr. Madison denied having said so.] Last session, Mr. Smith said, that house consented to the passing of a law to authorize the President to construct three frigates. In consequence of which law, the President had proceeded with the business, and the officers of government now told them, they were in want of money to pay the workmen; but these gentlemen say they will refuse, until it be determined whether the frigates should be finished or not. He thought this very extraordinary conduct. If gentlemen were disposed at any rate to destroy the naval establishment, why not bring in a bill at once to repeal the law? This, he said, would be the direct way of getting rid of the business; but, after employing the President to build these frigates, he thought it strange that when they were told money was wanting to carry on the work, that they should withhold it, from a doubt of the legality of such an appropriation.

It was said by the gentleman from Pennsylvania (Mr. Gallatin) that there was money in hand, and therefore no necessity for an appropriation on this head; but the chairman of the committee who made the report on that subject (Mr. Parker) had informed them, that it was some time since that report was made, that the money was therefore expended, and more was now wanted. Mr Smith said, he should not then go into arguments to shew the propriety of keeping up the naval establishment; but, as there was an existing law for the expence, the expence having been incurred, and the officers of government calling upon them for money, he thought they could not avoid paying it.

The gentleman from Pennsylvania wished this appropriation to be delayed, until they determined upon the question of finishing the frigates; but did he not know, that in doing this, considerable loss would be incurred by the discharge of workmen, and the perishing of materials? He said, they had passed a law declaring they would build three frigates; the law did not say they should cost only so much, but that they should be built. So far from limiting the sum, they had from time to time granted additional sums for this purpose. Indeed, he did not think they were at liberty to refuse this appropriation.

Mr. Giles said, if he understood this question, it was, whether they should appropriate first, and then discuss the

propriety of doing so, or discuss the propriety and then appropriate. It was not a question whether the frigates should be completed, but merely a question as to the proper time of making the appropriation.

For his part, Mr. Giles said, he was against the building of them at all, and always had been. He believed candour would not permit the business to be called by a milder term than *Folly*, and the farther they proceed in the project, the worse it would be.

Mr. Giles said, the house should doubtless first take up the report on the subject, and determine whether or not they were willing to furnish the 200,000 dollars wanted. As to what the gentleman from South Carolina had said with respect to their not being at liberty to refuse this appropriation, he did not understand it. If they had not this liberty, why make any appropriation at all? Why was the business brought before them, if they had no choice to act, or not to act? He was one of those, he said, who thought that house was always at liberty to say whether they would appropriate money, or refuse to appropriate it. He hoped, therefore, the motion would prevail.

Mr. Venable said the objection to the proposed grant of money, did not go against the appropriation itself so much as against the principle, as being an anticipation of law; for he did not suppose that the present appropriation was meant to include the whole of the money wanted; but before he agreed to vote any more money to this object he wished to see the items of expence. He did not see any necessity for making an appropriation now, when it was probable they should next week be called upon to make another. He did not think the merits of the question was at all before them, but merely whether they would consent to appropriate a farther sum of money, before they had come to a decision upon a previous question, viz. whether the house would agree to furnish the necessary money for the completion of the frigates.

Mr. W. Smith said the objection of gentleman last up, went to the military establishment, as well as to the naval. With respect to their not being at liberty to refuse the appropriation, he meant only to say, that having authorized the President to lay out money, they were not at liberty to refuse to pay it.

Mr. Varnum said, if the fact existed, the conclusion of the gentleman from South Carolina, would be just. If expence had been incurred, and it was not provided for, it

certainly ought to be; but it was not so. The committee who had reported on the subject, had told them, that a month ago, there were 24,000 dollars in hand unexpended; but it had been said that it was probably now expended. He did not believe it was probable: he did not believe a thousand dollars a day had been laid out upon the frigates since that time. Indeed, he did not think, that northward of this place, the work had gone on at all, owing to the severity of the frost. Besides, if the fact had existed, would it not have been in evidence before them? If the President had incurred an expence for which no provision had been made, would he not have stated it to the house? He certainly would, and this statement not having been made, there was every reason to believe there was yet money in hand, and why this anticipation should be so strenuously urged he was at a loss to know. The military establishment, he said, was quite a different thing. They knew there had been expence incurred under that head, and could have no objection to appropriate money on account of it.

Mr. Swanwick referred to the letter of the secretary of the treasury to shew that the money was really wanted to carry on the work.

The question on the amendment was put and carried.

Ayes 42.

Noes 34.

The resolution as amended was then agreed to. The committee rose, the house took it up and agreed to the amendment, and referred the resolution to the committee of ways and means to bring in a bill.

Adjourned.

Wednesday February, 1st.

Mr. R. Sprigg moved that the petition of William Moore presented March 17 1794, and the report of the committee of claims of last session thereon, be recommitted to the committee of claims. Agreed.

Mr. Foster from the committee of claims reported on the petitions of Barnt De Klyn, Jacob Hollingsworth, Archibald Johnson, James Powell, Elizabeth Stewart and Peter Witner, who all prayed a renewal of lost certificates, the report was against the petitioners, and the house concurred therewith.

Mr. Christie observed, that he expected a general report would have been made on this subject, and not that the petitions would have been reported upon particularly. He trusted some redress would be afforded to persons who held certificates which had been lost, and wished the decision upon these petitions to be postponed until that subject had been determined upon by the house.

Mr. D. Foster suggested whether it would not be best to bring the business before the house, independently of any particular case.

Mr. Christie consented to do so, and afterwards proposed the following resolution to the house.

“Resolved that provision ought to be made by law, for a renewal, under specific restrictions, of certificates which have been destroyed, of certain descriptions.”

This resolution was agreed to, and referred to a select committee. Messrs. Coit, R. Sprigg, Patton, Varnum and Blount were accordingly appointed to examine and report thereon.

The following resolution was received from the Senate viz.

“Resolved, by the Senate and house of Representatives of the United States, in Congress assembled, that the President be requested to adopt some speedy and effectual means of obtaining from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution of the United States, concerning the suability of States; if they have to obtain evidences thereof.” It was read a second time, when

Mr. W. Smith said he thought this resolution would be best referred to a committee of the whole as perhaps it might be amended, by proposing some other alterations to the constitution.

Mr. Dent thought this purpose would be best answered by a reference to a select committee in the first instance.

Mr. Smith withdrew his motion, and the resolution was referred to a select committee.

Messrs. Harper, Freeman, Goodrich, Isaac Smith, and Harrison were appointed.

The resolution received from the senate yesterday relative to the appointment of a committee to ascertain the election of the President and Vice President, and to appoint a time and place for administering the oath of office to the President, was taken up, read a second time, and a committee of three members, viz. Mr. Sitgreaves, Mr. Jeremiah

Smith and Mr. Parker were appointed accordingly, to act in conjunction with the committee appointed by the Senate.

Mr. Thatcher moved that the house should resolve itself into a committee of the whole upon the bill for regulating Post Offices and Post Roads.

Mr. S. Smith wished that the subject on the military establishment should be entered upon in preference.

Mr. W. Smith hoped neither of these subjects would be taken up, but business which was of a more pressing nature than either. He meant the business of Revenue. A string of resolutions were yesterday referred to a committee of the whole on the subject of indirect taxes. The house having directed the committee of ways and means to report a bill with a plan for collecting direct taxes, it was necessary they should determine which of the two plans should be pursued; as, until that determination was made, the committee of ways and means were in a state of suspense, and knew not, but that by the time they had completed the bill for laying a direct tax, the house might have determined not to resort to direct, but to push indirect taxes still further. He would therefore, move that the house resolve itself into a committee of the whole on the resolutions alluded to, together with that formerly proposed by the gentleman from South Carolina. If it were found that sufficient revenue could be drawn from indirect sources, and the house chose to adopt that plan, it would be unnecessary for the system of direct taxes, to be further pursued; if not, the committee of ways and means could report a bill on the subject. As the session was drawing to a close, it was necessary some conclusion should speedily be come to, otherwise they should rise without providing any additional revenue at all.

Mr. Thatcher said, if they attended to one thing at once, he doubted not they should get through the whole of their business. He thought the subject he had proposed, was deserving of attention, and if members recollected the many petitions which had been received on the subject, he thought they would agree with him in opinion.

Mr. Craik hoped they would not take up the resolutions referred to a committee of the whole yesterday, on the subject of indirect taxes. He had not had time to consider them. That house, he said, had adopted the principle of direct taxes, and had directed the committee of ways and means to bring in a bill on the subject. Before they entered upon the discussion of indirect taxes, he should wish to

fee that bill, in order to ascertain whether any practicable plan could be formed for collecting a direct tax. If it could, it would probably influence the decision of the house upon the resolutions respecting indirect taxes.

The speaker reminded the gentleman from Massachusetts, that the question before the house was not whether they should go into a committee of the whole on the subject of indirect taxes; but whether they should go into the business of post offices and post roads.

The question was put and carried,

Ayes 46.

Noes 40.

The house accordingly resolved itself into a committee of the whole on the bill for regulating post offices and post roads, Mr. Muhlenberg in the chair.

The debate continued the rest of the sitting—many new roads were proposed. It was observed on the one side, that to propose new ones or continue the old, it was necessary they should in their products bear a tolerable proportion of the expences attending postage, &c. as it appeared some of the present roads did not produce more than one hundredth part of their expences. On the other hand it was argued that no estimate could be formed of the produce, and advantage of roads in some situation. Any part in the middle of a principal road from one capital to another might be pointed out as unproductive, and therefore changed, because those post offices did not receive much money, but being a thoroughfare, the extremities of which were productive, the expences were more than paid. It was also urged that the reason of many roads being established and continued, was to convey information: it was said to be much to the credit of the United States, that information was sent by news-papers into many obscure parts, and therefore, that while the general receipts on the post office establishment throughout the United States, bore the general expences, every present post road should be continued, and as many new ones established as the receipts would support, as it was not proper that any money, on such a laudable establishment should be put into the treasury. At length after much uninteresting discussion, Mr. Gallatin moved the committee to rise, which was carried.

Ayes 42.

Noes 41.

He then moved that the committee of the whole should be discharged, and the subject referred to a select committee.

On the question for the committee of the whole to have leave to sit again, it was carried,

Ayes 48.

Noes 38.

It was then observed that if they were to sit again, they might as well have sat until the usual hour. The question was then put for the house again to resolve itself into a committee on the same subject, which was carried, Ayes 47.

The house accordingly went into committee, and after more discussion, which from its local nature is not necessary to detail, the house adjourned.

Thursday February, 2.

A petition was presented from the merchants of Marblehead, complaining of certain restrictions under which that port laboured from being confined in its trade within the Cape of Good Hope, whilst their neighbours were allowed to trade beyond the Cape, and prayed for redress.

Mr. Swanwick presented a petition from James Brotherton and Elijah Holcomb, praying emoluments for services rendered during the war.

A petition was also presented of John Ward praying a renewal of a final settlement certificate, lost or destroyed.

The said petitions were referred to the committee of claims.

Mr. Coit proposed to the House the following resolution.

Resolved, That the secretary of the treasury be, and he is hereby directed to prepare and report to the House of Representatives, at the next session of Congress, such a system *as will enable the House to comprise into one*, the various laws which have been made, and are now in force, for laying and collecting duties of impost and tonnage, reducing therein to a specific rate of duty, those articles which are now rated according to value, and which, in his opinion, may more advantageously be rated specifically, and conforming, as nearly as may conveniently be done, to the existing rates, agreeably to the tariff directed to be by him reported, by a resolution of the House of Representatives, of the third of March, 1795.

He said his reason for proposing this resolution was, to bring the whole of the laws on this subject, which were at

present very complex into one view; and he believed this could be better done by the secretary of the treasury than in any other way.

The speaker said this resolution was not in order, as there was a rule of the house which directed that no bill could be introduced in a way different from that prescribed by that rule, viz. by appointing a committee, &c.

Mr. Page said, if it were not out of order, he should have opposed the reference of such a resolution, as such a measure would be calling upon the heads of departments to do their business. He trusted they should not agree to any thing which would carry the appearance of such inattention and laziness.

Mr. Coit said he did not wish to violate any rule of the house, and he believed the objection might be got over by introducing the word *system* in place of bill. He did not mean to charge the house with laziness and inattention. He knew he was himself, in some degree, lazy and inattentive, and he thought he saw others so, but he did not mean to charge the house with being so.

Mr. Heath said, though he generally found reason to approve of the accuracy of the gentleman from Connecticut, yet he could not do so in the present case. In his opinion, it would be infinitely more proper to appoint a committee to do the business, and bring in a bill. To do otherwise would be to transfer the business of the house to heads of departments.

Mr. W. Smith thought gentlemen were making difficulties where there were none. Last session, he said, the secretary of the treasury had been directed to report a system of direct taxation; and, whilst the house could with propriety require him to do that, they might certainly direct him to report a system for regulating the laws on imposts and tonnage. There were difficulties as to directing him to report a bill, but there could be none in directing him to report a system. The idea of appointing a committee on the subject was a little extraordinary. They could only sit till the 3d of March, and it could not be supposed they could report a system before that time.

Mr. Henderson was in favour of the resolution.

Mr. Coit said, he had no other object in view than to get this thing brought into shape; and, if no better plan could be adopted, he hoped his motion would prevail.

Mr. W. Smith proposed an amendment, viz. instead of the words, "for comprising into one the various laws, &c."

to say, "*such a system as shall enable the house to comprize into one.*"

The resolution, with the amendment, was then agreed to.

Mr. D. Foster from the committee of claims, to whom was recommitted their report of May 31 last, on the petition of Allita Bogert, and to whom was also referred the petition of Joseph Brevard, made reports, that the petitioners have leave to withdraw their petitions, to which the house concurred.

A message from the Senate by Mr. Otis their Secretary, informing the house, that conformable to rule, they had appointed Mr. Sedgwick on their part, teller of the votes for President and Vice-President.

Mr. Dent said, if there were any more petitions on the subject of lost certificates before the Committee of Claims, he should wish them to be discharged from a further consideration of them, since a committee had been appointed to make a report as to the propriety of affording relief in certain cases.

Mr. D. Foster said there were a number of cases before them of a similar kind, part of which the committee had decided upon, but not drawn out the reports. If the House chose to discharge them from the subject, they certainly could have no objection to it.

Mr. Dent moved that the committee of claims be discharged from a further consideration of any petitions on the subject of lost or destroyed certificates.

Mr. Macon saw no necessity for this motion, as, if it were determined to make provision for sufferers in certain cases, the cases of those persons whose petitions had been reported upon, would stand in the same situation with others.

Mr. R. Sprigg hoped the motion would prevail. It would come with a bad grace to propose a law for the relief of these persons another session (for he did not expect any thing to be done in the business this session) when their cases had been decided upon in a former session, and the more cases which had been decided upon, the greater weight they would have. He thought, therefore, it would be best for these petitioners to lie until the committee appointed should make their report: for, if it should be determined that, in certain cases, allowances should be made for lost or destroyed certificates, it would prove to have been a waste of time to make the decisions they were now daily making upon them.

Mr. Coit hoped the motion would not prevail, as it was taken for granted that some provision would be made in

these cases. The objections urged might afford good reason for not acting upon the reports, but not for discharging the Committee of Claims from a consideration of them.

The motion was put and negatived.

The House then resolved itself into a Committee of the whole on the bill in addition to the act to establish the post-office and post-roads within the United States, Mr. Muhlenberg in the chair.

After the business of the Roads was gone through, and that part of the bill which relates to Newspapers came under consideration, an amendment was proposed by Mr. Nicholas, which occasioned some debate. The bill directed "that no Newspapers should be received by the deputy Post-masters, to be conveyed by post, unless they were *sufficiently dried and enclosed in proper wrappers.*" The amendment proposed to strike out the words printed in italic.

Messrs. Thatcher, Harper and Jer. Smith, supported the clause as it stood. They said that it was owing to the papers being put into the Post-office wet, that the directions became defaced, and persons at a distance were disappointed in the receipt of their papers. This was said to be particularly the case with respect to papers sent from this city to the Southern States, and not that newspapers only were spoiled by this means, but that letters also were liable to be defaced and injured. All this inconvenience and injury, it was alledged, would be remedied, by the papers being dried (which would be attended, with very little trouble to the printers) and would secure their being safely conveyed to the most distant parts of the Union.

The amendment was supported by the mover, Messrs. Swanwick, Murray, Page, S. Smith, and W. Lyman. There was no necessity, they said, for this regulation, Printers would find it their interest to pack up their papers so as to get safely to their customers; but were it to pass, it would oblige the printers of daily papers to keep a person wholly employed in drying papers, and beside the expence, from the extra fire necessary, it would subject them to great danger from that calamity which had lately been experienced by one of the printers of this city: and so far from this being attended with little trouble (as had been intimated) it would be so great as to increase the price of a daily paper at least two Dollars a-year. The regulation, it was said, would also operate more unfavourably on some printers than on others; for instance, morning papers printed in this city, must be in the

post-office before seven o'clock, of course, persons must be employed the whole of the night in drying and packing them, or they must be delayed a day for the purpose of drying, whilst those printed in an afternoon (though at considerable trouble and expence) could be dried and packed in the course of the evening, so as to be sent by the same post as heretofore. Such a provision, it was observed, would also give the post-master a power of shewing an undue partiality to favourite printers, by refusing papers from their competitors, on the ground of their not being *sufficiently* dry. With respect to the wetness of the papers defacing their directions, it was believed there were causes of that defacement besides their being packed up wet; Mr. Page, in particular, said, they were frequently suffered to be wet with rain, thrown carelessly about, and trod under foot! This, he said, he had seen; and, as to their injuring letters, Mr. S. Smith said this was impossible, as the papers and letters were packed up in separate bags.

The motion for striking out the words was carried 41 to 23.

The last clause of the bill occasioned considerable debate. It was in these words: "That the Post-master-General be authorised to discontinue carrying a mail on any post-road, which shall not produce more than one-fifth part of the expence of carrying the mail on the same during the third year after the passing of this act,"

Mr. Sitgreaves moved to strike out this clause. Messrs. Thatcher, Dayton, Williams and Varnum, were for retaining it. They said that it was necessary to have some check of this sort, as when new roads were proposed, they were voted for in the dark, as probably not one-fifth part of the House were acquainted with the country in which they were to pass; if these roads, therefore, after a certain time, did not produce some certain portion of the expence of conveying the mail, it was proper they should be discontinued, as every unproductive and unnecessary road, prevented the establishment of more useful and productive ones; and, though it was a settled principle that the profits arising from one part of the Union should go to the establishment of post-roads in other parts, yet it was an injury and injustice to the whole, to continue roads which would not pay one-fifth of the expence of conveying the mail. Mr. Thatcher, in particular, said that it was necessary there should be some check upon the House with respect to this business; for, when a road was once established, however unprofitable it might be, there was

no getting it discontinued ; as, whilst a member of that House had a letter to send to his constituents, he wished to have a post established for the purpose of conveying it.

The amendment was supported by the mover, Messrs. Murray, W. Lyman, Swanwick, Madison, Craik, and Gallatin. It was said, the power proposed to be given to the Post-master-General was a discretionary legislative Power, which belonged to that House, and could not be imparted to any other body or person ; that though it was possible unprofitable roads might be established, from the partiality of members to their own district of country, yet to remedy this evil in the way proposed, would be to introduce a greater ; besides, it was said, it would be next to impracticable to ascertain exactly when a road produced less than one-fifth of the expence attending it. It was also found necessary to keep up some roads, though they did not pay one-fifth, viz. such as roads to Kentucky, Tennessee, to Niagara, &c. and therefore the Post-master-General was *authorized*, instead of being *directed*, to discontinue such roads as did not produce such a sum, which was, in effect, giving him the power to establish post-roads. The Post-master-General, they remarked, might give the necessary information to that House, as to what roads were unprofitable, and they could, if they thought proper, discontinue them ; but this power ought not to rest with any one man. The act might also be limited in its duration, and when it was renewed, a review of the roads might take place.

The question for striking out was put and carried.

Mr. Madison then proposed the following section in its stead, which was agreed to :

“ That it shall be the duty of the Post-master-General to make a report annually to Congress, of every post-road which shall not have produced one-fifth part of the expence of carrying the mail on the same.”

The Committee then rose, and reported the bill with the amendments.

Adjourned.

Friday, February 3.

The Speaker laid before the house, a letter from the Secretary at War, accompanying his report on the petition of Bezaleel Howe, and the memorial of David Jones, which were read, and ordered to be committed to a committee of the whole house, on Monday next.

Mr. Findley presented a memorial of Samuel Miles, jun. and others, reduced Pennsylvania officers, and representatives of deceased officers, who performed military services in

America, under the government of Great Britain, in the war between that nation and France, was presented to the House and read, praying that certain authorized surveys made by the memorialists, for their respective portions of land, to which they became entitled, under the royal proclamation, of one thousand seven hundred and sixty-three, may now be confirmed to them by grant in the unappropriated lands of the United States, set apart by Congress for military services.

Mr. Swanwick presented a petition of John Walters, praying to be placed on the list of pensioners, in consideration of a wound received, whilst a marine on board the ship General Washington, in the navy of the United States, during the late war, which has rendered him incapable of obtaining his livelihood by labour.

Mr. Hartley presented a petition of Peter Grove, of the state of Pennsylvania, in behalf of himself, and as attorney in fact for Adam Grove, administrator of Michael Grove, deceased, praying the liquidation and settlement of a claim for services rendered, and supplies furnished the army of the United States, by the deceased, and the petitioner, during the late war.

Ordered, That the said memorial and petitions be referred to the committee of claims.

Mr. Nicholas presented a petition of William Young, and others, inspectors of the customs for the district and port of Alexandria, in the state of Virginia, stating the insufficiency of the compensation allowed them by law; and praying that the same may be increased, and rendered more adequate to their services.

Ordered, That the said petition be referred to the committee of commerce and manufactures.

Mr. Harper presented a memorial of Anna de Neufville, widow of John de Neufville, deceased, formerly a merchant in the city of Amsterdam, in behalf of herself and her infant daughter, was presented to the house and read, praying compensation for services rendered, and losses sustained by the deceased, in support of the American cause during the late war.

Ordered, That the said memorial be referred to Mr. Madison, Mr. Harper, Mr. Cooper, Mr. Ege, and Mr. Wadsworth; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the house.

Mr. Dearborn, from the committee appointed, presented, according to order, a bill to augment the compensation of the

Attorney General of the United States, which was received, and read; He also presented a bill to continue in force, the act "to regulate the compensation of clerks," these bills were read a second time, and committed to a committee of the whole, on Monday next.

Mr. Sitgreaves, from the committee appointed on the part of this house, jointly with a committee appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice-President, and of notifying the persons elected, of their elections; and to regulate the time, place and manner of administering the oath of office to the President, made a report, in part, which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the house, as followeth:

"That the two Houses shall assemble in the chamber of the House of Representatives, on Wednesday next, at twelve o'clock: That two persons be appointed tellers, on the part of this House, to make a list of the votes, as they shall be declared: That the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President; and together with a list of votes, be entered on the journals of the two houses."

Resolved, That Mr. Sitgreaves and Mr. Parker, be appointed tellers on the part of this house, pursuant to the said report.

Mr. Jeremiah Smith, from the committee to whom was referred the petition of the Illinois and Wabash Land Companies, made a report, to this effect: That the committee had met the committee of the Senate on the subject, and that they had determined it to be expedient to adopt the report made by the Senate on this subject in March 1792. The claims of the petitioners were said to be founded on two deeds, viz. one of July 1773, the other of October 18, 1775, and they proposed to surrender the whole of their claim to the United States, on condition that the United States would guarantee to them one-fourth part thereof. It was the opinion of the committee, however, that these companies had no legal title to the said lands, and they proposed a resolution to the house, that the prayer of the petition could not be granted.

Mr. J. Smith gave notice that he should call up this report for decision on Monday morning.

Mr. W. Smith, from the committee of ways and means, reported a bill for the support of government, and a partial appropriation for the military establishment, for the year 1797. It was read a second time, and ordered to be committed to a committee of the whole on Monday.

Reports were made on the petitions of Nathaniel Cushing and James Garnet, which were against the petitioners. Ordered to lie on the table.

The committee to whom it was referred to enquire what progress had been made in carrying into effect the law relative to grants of lands for military services, and whether any alterations were necessary therein, reported, that owing to the difficulty attending the appointment of a surveyor-general, no progress had been made therein, and that no alterations were necessary in the present law. Laid on the table.

Mr. Brent presented the petition of the inspector of imposts and tonnage at Alexandria, praying for additional compensation. Referred to the committee of commerce and manufactures.

Mr. Dwight Foster, from the committee of claims made a report on the petition of George Calvert, one of the chiefs and warriors of the Chickasaw nation. The petitioner prayed for compensation for provisions found to a party of the inhabitants of the State of Tennessee, who went into the Chickasaw nation to assist them in a war against the Creeks. The committee report, that though the motives of the said inhabitants might be good, as the expedition was unauthorized by government, and might prove a bad example in future; that as they were not bound by treaty to support the Chickasaws in their wars, it would not be right to establish any precedent which might countenance that principle; they were, therefore of opinion, that any claim on this subject would be best left to the President, who was competent to determine on the subject; they, therefore, reported that the prayer of the petition could not be granted.

Mr. A. Jackson moved that this report be referred to a committee of the whole, to whom were referred the reports on the petitions of James Orr, and the widow of the Hanging Maw. Agreed.

The house then entered upon the order of the day, which was the report of the committee of the whole on the bill regulating post-offices and post-roads. The amendments were considered and agreed to, and several additional ones made. Some debate took place on a motion made by Mr. Christie to

add a new section to the bill, directing a post office to be established at the Little Falls of Gunpowder, betwixt Hartford and Baltimore. His reason for moving this section was, he had applied very often to the post master general in vain to get an office established there, though it was much wanted, on account of several manufactories in the neighborhood. The Post-master general had always told him, that he could not fix a post-office there, on account of the danger there would be of the mail being robbed. (It seems the mail was once robbed on that road). This principle of directing where a post-office should be established, was opposed by Messrs. Thatcher and Hartley, as unprecedented; but Mr. Sitgreaves proposed a way of avoiding that objection. He said that it had been invariably the practice of the post-master to make every place mentioned by name in the act, a place of deposit for the post, he therefore suggested the propriety of introducing the place proposed, by name, into the bill. Mr. Christie accordingly moved these words as an amendment, "from Hartford to Baltimore, shall be by the Little Falls of Gunpowder," which was agreed to.

In debating on this amendment, some notice was taken of what fell from Mr. Thatcher yesterday, with respect to a "check being put upon that house." Mr. W. Lyman said he thought the expression used, viz. "That the post-master general would be a proper check to that house," was an indignity committed against the house, since they had no other check than the good sense of the community. Mr. Kittera observed in reply, that that house had certainly other checks besides the good sense of the community; there was one check upon them up-stairs and another in the President. Mr. S. Smith thought, if they gave power to an Executive Officer, and he did not do it, that house ought to check him, and not he them. The postmaster general refused to establish a post-road at the request of the inhabitants of a certain district, and those persons now apply through their Representatives to Congress for redress; he trusted they would have an office established. In answer to Mr. Thatcher, who had doubted whether there was any person living at the place proposed, who could be entrusted with the office, he said there was an inhabitant of Little Falls, who was able to purchase half the province of Maine, of which Mr. Thatcher is the Representative.

The bill was ordered to be engrossed for a third reading on Monday.

On motion of Mr. S. Smith, the house resolved itself into a committee of the whole, upon the bill regulating the Military Establishment. Mr. Dent in the chair.

Mr. S. Smith said, there was some variation in the bill from the report referred to the committee; they had struck out the whole of the 11th section of the old act which related to an allowance of extra provisions to the troops employed to the westward. (The clause was read). The cause of this extra provision, he said, no longer existed, and, therefore, they had thought proper to omit the clause, that the troops employed in every quarter might have the same allowance. As chairman of the committee, he thought it necessary to give this information.

Mr. Coit moved to strike out the section which directs that the four regiments of infantry shall be reduced to three. He did not know that the affairs of this country were so much changed for the better since the last year, as to justify this reduction. He said he was no military man; but he believed great inconveniencies would arise from a derangement in the officers by the proposed reduction.

Mr. Williams said this subject had been already fully discussed, and it had been determined that three regiments would be adequate to all our wants, as those three would contain all the troops now in actual service. The additional expence of keeping up what were called skeletons of regiments, of officers without men, might very well be avoided. When our finances were in so low a state as at present, it was necessary to retrench every unnecessary expence. Indeed, he had heard nothing which could induce him to change his former opinion on the subject. There were only, he said, about 2,500 men in the service, and three regiments with sixteen companies of artillery, would afford officers sufficient for the men. To raise men in time of peace, when we wanted the sinews of war, he could not consent to.

Mr. S. Smith said, since the business was laid before the house, he had obtained a list of the posts at which men were placed, and the number of men in each. It was not a perfectly accurate return, but it was as nearly so as he had been able to procure it. By this estimate, it appeared that 2528 men were stationed on the north western and southern frontiers. Some of these posts, it was true, would be relinquished as unnecessary; but others would be necessary. Mr. S. delivered in the list at the clerk's table, and it was read.

Mr. Rutherford saw no necessity for the present motion, as the business had already been determined upon. Many of the garrisons which had been mentioned, he said, were perfectly unnecessary. An extensive military establishment was an evil in any country; and shall the American people, said he, lean on this support? No; the yeomanry of this country would always be ready to defend it.

Mr. Gallatin said they had no information before them which led him to suppose that more than three regiments would be wanted. As to the list which had been produced, no kind of conclusion could be drawn from it; because one half of the posts there mentioned were to be evacuated, viz. all that chain from Fort Washington to the lakes, in which, according to the list before them, were upwards of 1000 men.

He would just mention what the expence of the rations, pay and clothing of a regiment was; it was 94,628 dollars. He would add, that it was important, not only as it respected the rations, pay and cloathing of a regiment, that the nominal estimate of our army should be reduced, because the saving would not only apply to those articles but to the contingencies; as the quarter masters department and every other contingent expence was proportioned in proportion to the establishment; and the greater the appropriation, the greater would be the expence, as there was always as much money expended as was appropriated, and always would be, when left to the discretion of the heads of departments, as no department, except the treasury, had any check upon their expences, but the amount of the appropriation. Indeed, the expence of the military establishment had kept continually swelling; for, though the real amount of men was not more than one half of the nominal number, the expences were always equal to the nominal number. The real saving, by striking off the regiment proposed, would be at least 100,000 dollars, exclusive of all contingencies. He hoped, therefore, the motion would not prevail.

Mr. S. Smith did not think it was a good reason for reducing the military establishment, because it would be a saving of money to do so; for the same reasoning would go to the destruction of the whole. Mr. S. believed that the pay, rations, clothing, the hospital department, and quarter-master's department for a regiment of men, would be 150,000 dollars. It was but fair that the house should know this; but

he did not think the cost only ought to be their guide in this matter.

There was one thing which he had frequently urged, but which did not seem to be sufficiently attended to. The forming of officers to their duty took a number of years; and when they were so formed, it was prudent to keep them in the service. It would be said officers could at all times be got. He denied that experienced officers could always be got, and the fighting part was the least essential; for he believed (as he had before said) there were more men killed for want of care than by an enemy. The skeleton of a regiment ought to be kept up. It was good policy to keep such men in the service, as they would preserve the men in health and proper order. This doctrine, he supposed, would be laughed at by any but military men; but he was confident the trifling expence to government of keeping up these officers, was nothing when compared to their usefulness; but, when it should be known that our meritorious officers had been discharged from service, without notice, seven or eight hundred miles from their homes, which they had to travel at their own expence; that when we had done with them, they were thrown upon the wide world without provision; men of respectability, would refuse to go into the service, and none but the refuse of the people, who could not be provided for any other way, would enter our lists, and those who were best capable of commanding our soldiers, would retire dissatisfied and disgusted.

Mr. Hartley said, he had delivered his opinion, on a former occasion on this subject. He still thought they had no solid ground for making the reduction. It was said there were many posts unnecessary; but he believed all that had been mentioned as useless would not be found so. Mr. H. spoke of the route which would be necessary to be taken between Pittsburg and Fort Franklin up the Alleghary, and said it would be policy to employ soldiers in working the batteaux rather than have to hire men for the purpose. More posts, he said, would certainly be wanted on the waters of the Mississippi, and he did not think less than the four regiments would be sufficient. Mr. H. followed Mr. Smith in speaking of the injustice of which would be done to officers by the proposed reduction.

Mr. Williams said, when they called upon their constituents for revenue, it was necessary they should give some reason for the call. If in 1792 the country was defended by two regiments, they might certainly now be defended by three; but,

If the present motion prevailed, they should have double the number. What use then, will it have been to the United States to have had the western posts given up? Whilst the British possessed them, they were said to be the cause of disorders on the frontiers, by exciting the Indians against us; yet, now they were given up, we were to keep up additional troops. This seemed to say they must be at a greater expence in peace than in war. Mr. W. then went over the different sums allowed as the price of peace with the Indians, which amounted to 90,000 dollars per annum, besides which, the last session, 150,000 dollars had been expended in order to get goods amongst them. Taking these sums together, they made a very serious amount, and he thought they ought, at all events, to retrench the expences of government wherever they could.

Whatever gentlemen might say about the distressing of officers by discharging them, he said, no officer, when he entered into the service, could consider himself as engaged for a longer term than that for which the service should want him. With respect to making officers an allowance on their being discharged, he had no objection to do that, at least for the time which it required to travel to their own homes; and in all probability, were they to frame a proper militia law, a number of them might be employed in that service to advantage, since it would be very desirable to keep up a regular discipline in the militia. These officers being dispersed throughout the union, they would be of great service in this respect.

Upon the whole, Mr. W. said, the expence of four regiments, in our present circumstances was too great. If he thought them necessary, he would give his vote for them; but, in time of peace, he saw no necessity for more than the three regiments.

Mr. Murray hoped the motion would succeed, because, all he had heard, from the gentlemen who opposed the retaining the four regiments, convinced him they were necessary. He should be glad if the gentleman from Pennsylvania, (Mr. Gallatin) would shew any reason why less troops should be kept up this year than were kept up last. That gentleman had not reasoned with his usual logic on this occasion. He argued, as if it were taken for granted, that the only object was to save money; but had not attempted to shew that four regiments were unnecessary.

That gentleman had said, that the interior posts might be abandoned, and the troops now in them might be sent upon the frontier; but, for that reason, Mr. M. said, he would

rather augment than diminish the military establishment. Few men might serve to guard an inner post, but when these men were sent, 100 miles farther back, that moment it became necessary to increase their numbers, because no aid could be given them, in case they should want it.

The gentleman from New-York (Mr. Williams) had said, that he was surprised that it should be thought the military establishment should be larger now than in 1792. But, said Mr. M. a moments reflection would have told that gentleman, that the extreme poverty of the military establishment at that time, was the source of a most melancholy event; for, in November in the preceding year, a regiment was almost wholly cut off. Congress afterwards became more liberal, and the military establishment was enlarged. This was certainly, then, an unfortunate period to refer to, as an example for the present day, when such destruction took place, for want of sufficient force. There was great impolicy he said, both as to the numbers of our military and as to the duration of their term of service. The necessity of enlarging the establishment had, however, at the time alluded to, been forced upon government.

Mr. M. said the militia were inadequate to the service of defending the country, and much more expensive than troops. He had supposed for three years past, that the militia system would have been abandoned in favour of regular troops, as they had been found the best and cheapest. The events of the last three or four years had fully evinced this.

But said, Mr. M. if the military establishment is to be cut down, I would advise gentlemen to go through with the business, and move a repeal of the law which empowers the President to call out the militia, at a great expence; because, if they did not mean still to use the most expensive sort of defence; if they were sincere in their assertions that less military force was necessary, let them shew they were willing to give up military defence, and repeal the law which may call out a frontier defence, particularly the mountain militia, who were paid he believed, a dollar a day whilst in service. This would convince him that their hearts were at ease with respect to the necessity of a military establishment.

We have the most extensive frontier, said, Mr. M. except Russia, of any nation in the world; and Russia had not only a large frontier, but had also a similar sort of natives in their back country that we have. What, then, said he did Russia do? They were obliged to do, as the Romans did—to keep

up extensive military posts. Nothing so grand as that idea had ever entered this country; but on the contrary, a parsimonious spirit on all occasions seemed to persuade that house. They tell the people they mean to economize; but, in fact, they were neglecting an establishment which all nations had found necessary—an establishment that was worth infinitely more than any paltry saving which might be made by its curtailment, and the breaking down of which, might subject the country to the most serious misfortunes.

Mr. Rutherford said, since this matter came into debate, it was necessary, to reason upon it. It was necessary, he said, for the representatives of a free people to pay constant attention to the disposition of the people at large, and this disposition, he was confident, was in opposition to a large military establishment. Amongst the powers delegated to them, he said, was the raising of armies; but if this power was over-strained the people had a right to complain. To say to them, we cannot trust you, without a large military force to guard us, was an insult to the people at large. He could not, therefore, at a time when money was becoming every hour more precious, consent to the proposed amendment.

Mr. Gallatin said, the gentleman from Maryland (Mr. Murray) seemed to suppose that after having said it was proper to economize, he (Mr. G.) had not gone far enough; and that there was no ground for making the military establishment lower this year than last year. He thought there was considerable difference between this year and last. Last year, he voted for making the establishment what it was. Indeed no actual reduction of the troops then took place, it was merely a nominal reduction and a new organization. At that time the Posts on the Lakes, the possession of which would naturally draw after them a reduction of military force, were not secured. It was on this ground that no reduction took place; but, when peace was secured with the Indians from north to south, and the Posts were in our hands, it was proper to think of reducing our military, and to compare our present force with what it was before the Indian war.

The gentleman from Maryland had said, that from the very reason that the chain of interior Posts was unnecessary, a greater number of men would be wanted for the exterior posts, and that the possession of the posts on the lakes required a large number of men to guard them. So that according to that gentleman, the acquirement of those posts

from the British, would have no other effect than to increase our expence, for they could not be considered as giving any security against the Indians, if a greater number of troops were necessary to defend them than were formerly employed on the frontier.

Mr. G. said he differed in opinion from that gentleman; for he believed fewer troops would be necessary at the posts on the lakes than were heretofore employed in the posts from the Ohio to the lakes. If indeed, it were necessary to have a line of posts beyond those which had been surrendered by the British, it would be requisite that the number of troops should be increased; but he did not believe any such necessity existed. He did not see either the necessity of having posts upon Lake Michaelmackinac, the Illinois river or the Mississippi. They might in some respects, prove convenient, but that convenience would by no means, be equal to the expence which would be incurred.

Mr. G. said, he should return to his position, viz. that the three regiments proposed to be kept up would afford a sufficiency of men for all the posts, and this he would shew from the paper which had been laid upon the table by the gentleman from Maryland. He then enumerated a number of posts which might be given up in which it was reported there were upwards of 1000 men. These, he said, would all be useless. At Detroit there were 524 men, and he believed 2 or 300 would be quite sufficient, or perhaps a smaller number. So that men enough might be spared to garrison one or two posts on the Mississippi; because it ought to be observed, that there would not be a less effective number of men, when the four regiments were reduced to three, than at present.

The number of men being nearly the same, the only argument used for retaining the four regiments was, to keep up the officers so as to form a skeleton of a regiment. He wished when officers were discharged, that some compensation should be made to them; but, however averse he was to the exposing of these men to disappointment, yet this was not to influence him to keep men in pay who could be of no service. If officers were not wanted, they ought to be discharged; and this remark not only applied to the military, but the civil department.

The gentleman from Maryland had said, that if those who were in favour of a reduction of the military force, were really sincere in their wish to reduce the expence under this head, they would move a repeal of the law which gives

to the President the power of calling out the Militia. But, he would ask the gentleman what that law cost the Union whilst it lay unexecuted? It was a provision against danger; calculated to save money, and not to expend it. It was proper an authority of this kind should be lodged somewhere, to be ready for exercise in case of emergency; as, without such a provision, not only the present establishment, but any establishment which it was in our power to raise, would prove inadequate to a proper defence: to such a defence as it was capable to make by means of our Militia. Instead of 3,000, 15,000 men would not be sufficient. But, suppose he were to propose the repeal which the gentleman had mentioned should he not be charged with wishing to abridge the power of the President, and with a want of confidence in his wisdom? He was confident however, that such a charge would never be brought against him on this ground. If the gentleman from Maryland thought such a thing desirable, he might himself make the motion; if he did he should vote against it, because he thought the power a necessary power.

It was true, as the gentleman had said, that we had the most extensive frontier of any other country; but what was the conclusion to be drawn from this? Was it, that we should have a large Military Establishment to defend that frontier? Where would this opinion lead them? If it were necessary to defend the frontier by a Military force, it must be such an one as would be equal to the purpose, and this would require more men than they should be either willing or able to support. No man, Mr. G. said, could be more interested than he and his constituents, in preserving peace on the frontier; but he knew that an army was not adequate to this purpose. In time of war indeed, a military force might prevent certain depredations on particular spots, but, with respect to those predatory excursions which the Indians made upon the frontiers in time of peace, an army never had, nor ever would prevent them.

What that gentleman called a necessary establishment, or a large Standing Army, his ideas of which he seemed to have drawn from foreign countries, was wholly premature when applied to this country. We were not, he said, if such an institution was desirable, (which was by no means the case) in a situation to support the expence of a military establishment. Our finances were low, and the price of labour was

higher than in any other part of the world. These two reasons would be an effectual bar to so extensive a system. It was enough that we were a *Happy People*; but if gentlemen wished to anticipate what it was only in the power of Time to effect, to make us a *Powerful Nation* also, they would find their vanity disappointed. He called it *vanity*, because such an attempt could only issue in an increase of our Public Debt.

Mr. G. concluded with saying it was necessary to retrench expence wherever it could be done; and, as the Military Establishment was a source in which the most material savings could be expected to be made, he trusted the present motion would not prevail.

Mr. S. Smith said if a stranger had heard what had fallen from the gentleman last up, he would have supposed that they were about to establish a large standing army. And yet what was the establishment they were about to make? Truly it was an establishment of 1660 men! And yet this had called forth all this declamation. He had wondered to hear that gentleman so incorrect in his statement, and he had been the more surprised, because he was generally more correct than any other man in that house. He had told them of certain posts, which might be given up (amongst which were Forts Washington and Franklin, which Mr. S. thought necessary to be retained) in which 1000 men were employed. He agreed with him in this; but he should have gone a little further, and shewed that after these 1000 men were deducted from the number said to be in the different posts, there would still be a larger number of men wanted than there would be to supply them, if a regiment was struck off. Besides which he said it would be necessary to have posts on the Mississippi, at the Natchez, and at Michilimackinac.

The gentleman from New-York, (Mr. Williams) wished our present force to be upon the same footing as in 1792. He would look into that matter; and if he could show to him that the four regiments would not be equal to what we had then, he should expect he would vote for their continuance. In April 1790, he said, we had 1216 officers, noncommissioned officers and privates; in March 1791, a regiment of 912 was added, making a force of 2128 men. This it would be seen, was considerably more than our present force, and yet we had now to protect the out-posts formerly in possession of the British, besides all other parts of the United States. In 1791, he said, the force had not been found sufficient, and the President raised another regiment for six months and like the

flying Camps, they were lost. It was time for us, he said to grow wiser from experience: but experience seemed to be lost upon us. Yet this we called *Economy*; but he called it *dissipation*.

Mr. S. said we had a number of Posts on the Atlantic shore. It was true, there had been a new corps of Artillery raised, which might be equal to the protection of them. In consequence of the misfortune of 1791, they determined in 1792 that three additional regiments of Infantry should be raised. Three regiments were raised, and they were to go out of service at the end of the war. These were three regiments of upwards of 900 men each. At no time had we less than two regiments containing 1920 men, though gentlemen now wished them to be reduced to somewhat more than 1200.

Did gentlemen reflect, he asked, in what situation they would leave the new President, by such a measure, who had to succeed a man whose popularity perhaps would never be equalled? Was it right to put him in a situation in which he might be disgraced? For, if any misfortune were to befall this Country hereafter, it would immediately be said by the People, if GEORGE WASHINGTON had been at the helm, this would not have happened. Notwithstanding he was free to acknowledge the wisdom and patriotism of the successor to the Presidential Chair, he did not expect him to have all the confidence which was placed in his predecessor. Would it then be prudent, or just, to put him in a worse situation, with respect to military force, than he was in? He thought not. Let us not, said he, deprive him of that small force which is at present in being, and, by that means, take from him, perhaps, the means of preserving peace on our frontier.

Mr. Gallatin said, that in comparing the present establishment with that of 1792, the gentleman from Maryland had omitted to notice the corps of Artillery which had been raised since that time. He said he had made the comparison, and he was confident, that when the four regiments were reduced to three, there would not be more than 100 men of difference betwixt them. He did not recollect on which side the difference lay.

Mr. S. Smith said, he did not forget the Artillery.

Mr. Baldwin observed, he felt at a loss how to vote for want of information on the subject. From the calculation given them when the question was before under discussion by

the gentleman from Massachusetts (Mr. Dearborn), it appeared that two-thirds of the force retained, was to be employed on the northern frontier. The paper on the table agreed pretty much with the statement they then received as to numbers, which might be considered rather as the old plan than the new. If they knew exactly where the new posts were to be established, and the number of men wanted for them, they would be able to form a more correct judgment on the occasion. He saw only one regiment contemplated for the Southern Frontier; and he could not conceive it possible that it could be supposed that if one regiment was sufficient to protect that frontier, which bordered upon Florida, and on Indians more troublesome than on any other part of our frontier, that two regiments were necessary on the Northwestern Frontier. If they had twelve companies for the Northern, and twelve for the Southern Frontier, and kept the Artillery and Engineers on the Atlantic Coast, he thought they would be quite sufficient; since he could not believe that more troops were necessary on the Northern than on the Southern Frontier.

The Committee rose and had leave to sit again.

It was moved that the house adjourn to Monday. This motion was opposed; but was consented to, from a representation that weighty business before the Committee of Ways and Means, required more time than could be given to it on days of meeting.

Adjourned.

Monday, February 6.

Mr. Parker asked leave of absence for his colleague Mr. Giles, for the remainder of the session, owing to his state of health. Granted.

Mr. Swanwick presented a memorial of Stephen Addington, of Germantown, in the state of Pennsylvania, callico printer, which was read, praying the aid and patronage of Congress, in the establishment of a manufactory for printing and staining of muslins and linens, within the United States.

Mr. Malbone presented a petition of Francis Brinley, and others, manufacturers of cordage in Newport, in the state of Rhode Island, praying that an additional duty may be imposed on foreign cordage, imported into the United States; or that such other encouragement may be given to the manu-

facture of cordage within the United States, as to the wisdom of Congress shall see meet.

Ordered, That the said memorial and petition be referred to the committee of commerce and manufactures.

Mr. Ames presented a petition and memorial of Samuel Clap and others, auctioneers, of the town of Boston, in the state of Massachusetts, which was read, praying a revision and amendment of an act of Congress, passed the ninth of June, one thousand seven hundred and ninety four, intituled, "An act laying duties on property sold at auction."

Ordered, That the said petition and memorial be referred to the committee of ways and means.

Ordered, That David Organ, who presented a petition to this house, on the tenth day of February, one thousand seven hundred and ninety-five, have leave to withdraw the same.

Mr. Maclay, from the committee to whom was referred the memorial of Jacob Cazad, made a report, which was read and considered: Whereupon,

Resolved, That the said Jacob Cazad have leave to withdraw his memorial.

Mr. Dwight Foster, from the committee of claims, to whom was referred a letter from the Secretary at War, of the twentieth ultimo, accompanying a list of the names of certain claimants to be placed on the pension list, who have been examined by physicians; and also, the returns of the examining physicians thereon, made pursuant to a resolution of the two houses of Congress, of the eighteenth of April last, made a report, which he delivered in at the clerk's table, where the same was twice read, and on the question put thereupon, agreed to by the house as followeth:

"That on a full investigation of the documents referred to them, they find the persons hereafter named, have complied with the requisitions of the law, respecting pensions for invalids, and are entitled to the several rates of pension annexed to their names, respectively; that is to say—

Of the District of New-Hampshire:

Joseph Goodridge, a private, half a pension; Joseph Patterson, a private, half a pension.

Of the District of Vermont:

Joseph Tyler, a private, half a pension; Isaac Webster, a serjeant, half a pension.

Of the District of New-York:

Stephen Kellogg, a private, a full pension; Garret Oblenis, a private, half a pension; William Scot, a major, a full pension; Finley Stewart, a batteau-man, three-fourths of a pension; Thomas Ward, a corporal, a full of pension.

Of the District of Maryland:

Philip Caffon, a lieutenant, a full pension.

Of the District of Virginia:

Joshua Davidson, a dragoon, three fourths of a pension; Jonathan Dyer, a private, a full pension.

Of the District of North-Carolina;

David M'Kiffick, a captain, half a pension; Joseph Single-tary, jun. a private, three-fourths of a pension; Ithamar Singletary, a private, one fourth of a pension; William Simson, a private, half a pension; Joseph Waffon, a private, a full pension.

Resolved, That the Secretary for the Department of War, be, and he is hereby directed to place on the pension list of the United States, the several persons before named, who have been returned as pension claimants, by the judges of several districts, pursuant to an act of Congress, passed the twenty-eighth day of February, one thousand seven hundred and ninety three, intituled, "An act to regulate claims to invalid pensions;" at the rates and proportions annexed to the names of the said persons, respectively.

Resolved, That the pensions allowed by this act, shall be estimated at the same rates, receivable on the same conditions, and payable in the same manner, as directed in like cases, by the act of the twentieth day of April, one thousand seven hundred and ninety-six, intituled, "An act authorizing and directing the Secretary at War, to place the persons therein named, on the pension list."

Ordered, That a bill or bills be brought in, pursuant to the said report, and that the committee of claims do prepare and bring in the same.

Mr. Swanwick, from the committee of commerce and manufactures, to whom were referred the petitions of Robert Sage, and of Thomas Hall; also, a resolution of the house, of the sixteenth ultimo, relative to the expediency of fixing a number of buoys in and near the harbour of Boston, made a report, which was read: Whereupon,

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